work they had done there, and that is true. They have done very excellent work, but I venture to say that it has not been running as smoothly as it might have been had it been differently organized.

I have a memorandum here, prepared by a gentleman who studied the Canadian system. It is pretty long. I shall not read it all, but it may be well to point out two or three things in it. He says:

At least four Federal agencies in Canada are authorized to provide training for the returned soldier, viz, (1) the department of militia and defense—

Which corresponds to our War Department—

(2) the department of soldiers' civil reestablishment; (3) the board of pension commissioners; (4) the soldier settlement board. The first is the regular war department of the Dominion; the second is a civilian department of the Canadian Government recently established to control and administer some of the military hospitals which have been under civilian control since the beginning of the war; the third is self-explanatory; the fourth has been organized recently to settle and establish returned soldiers upon government land to be especially reserved for them.

I shall not go into this any further this afternoon, Mr. President. The Canadian experience has been most interesting. In a large measure it has been most successful, and yet it is perfectly apparent that starting de novo, with no experience, as all the other nations have started in this undertaking, they have made their mistakes. The hope I intended to express was that we shall not make these same mistakes of dividing authority and causing the friction which is bound to occur when one man is trying to do a thing with military authority and another man with advisory civilian authority comes in to tell him how to do it.

If the consideration of the bill is to be put over, Mr. President, I shall now conclude my remarks for this afternoon and venture to deliver some additional remarks at a later date.

RECESS.

Mr. SMITH of Georgia. If no one else desires to say anything on this bill this afternoon, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 24, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 23, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been the inspiration of men in all the past to deeds of heroism and glory, inspire, we beseech Thee, our soldiers, sailors, and their allies to deeds of heroism and glory, and grant them a speedy and decisive victory; that truth may live and iniquity perish; that the world under Thee may have a new birth of freedom; that government of the people, by the people, for the people, shall not perish from the earth, but live a blessing to all humanity; Thy name be hallowed in every heart and home throughout the world; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal, I may address the House for 15 minutes on the subject of the contribution of Italy to the progress of the world.

The SPEAKER. The gentleman from New York [Mr. LONDON] asks unanimous consent that to-morrow, after the reading of the Journal and the cleaning up of business on the Speaker's table, he be allowed to address the House for 15 minutes on the contribution of Italy to the progress of the world. Is there objection?

Mr. HAMILTON of Michigan. Mr. Speaker, I did not catch the Speaker's statement of the gentleman's request. What does the gentleman from New York wish to talk about?

The SPEAKER. About the contribution that Italy has made to the progress of mankind.

Mr. FERRIS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York if he would not wait until we get the oil bill out of the way? It has been set down to follow the Agricultural bill, and it is important that it should pass immediately.

Mr. WALSH. Why can not the gentleman get 15 minutes under general debate from the gentleman from Oklahoma [Mr. FERRIS]?

Mr. FERRIS. The only reason is we hope to confine the debate to the bill. I do not know that I will be able to do that, but I want to be entirely fair with the gentleman from New York [Mr. LONDON].

Mr. DENISON. Mr. Speaker, reserving the right to object, may I ask the gentleman from New York whether the nature of his remarks will be a friendly criticism of Italy or otherwise?

Mr. LONDON. The nature of my remarks will not be of a critical nature at all. To-morrow is the third anniversary of the entry of Italy into the war, and I intended to speak of the contribution of Italy to art, science, literature, philosophy, and music in as few words as one can say in 15 minutes.

The SPEAKER. Is there objection?

Mr. FERRIS. Still reserving the right to object, will the gentleman make his request that he may follow the oil bill?

Mr. LONDON. Of course, it would take only 10 or 15 minutes.

Mr. FERRIS. I will yield the gentleman that much. I think I will have the power to do it under the bill.

Mr. LONDON. Then I withdraw the request.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask leave to extend my remarks in the RECORD——

The SPEAKER. The gentleman from New York [Mr. LONDON] withdraws his request, and the gentleman from Ohio asks leave to extend his remarks in the RECORD——

Mr. GORDON. By reproducing two editorials, one from the Philadelphia Record and the other from the Cadillac News, on the subject of the recent increase in second-class mail rates.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting an editorial from the Philadelphia Record and the Cadillac News on the recent increase in second-class mail rates. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

LEAVE TO ADDRESS THE HOUSE.

Mr. LONDON. Mr. Speaker, after consultation with the gentleman from Oklahoma, I renew my request.

The SPEAKER. The gentleman from New York renews his request to address the House for 15 minutes to-morrow, after the reading of the Journal and the cleaning up of business on the Speaker's table, on the subject of the art, oratory, and so forth, of Italy. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas;

H. R. 5489. An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.; and

H. R. 4910. An act to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho.

PENSIONS.

Mr. RUSSELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUSSELL. To try to get some conferees appointed. I ask unanimous consent to take from the Speaker's table the bill H. R. 8496, an act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, disagree to all Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 8496, disagree to all the Senate amendments, and ask for a conference.

Mr. GILLETT. Mr. Speaker, I would like to ask what the bill is. I did not understand.

Mr. RUSSELL. It is an omnibus pension bill.

Mr. CRAMTON. Reserving the right to object, I would like to ask the gentleman from Missouri if he can indicate something as to the frame of mind of the House conferees on this and other pension bills? I have noticed a spirit on the part of the Invalid Pension Committee that does, I think, more credit to their generosity than it does, perhaps, to their standing as to the closeness of their scrutiny of pension bills. I notice in the other body, in passing these House bills, that their committees have not hesitated to pare down and cut out on an average over 30 House items in each of the bills from the

gentleman's committee. On the other hand, the gentleman's committee has had one Senate bill before them, and they sent it out without the dotting of an "i" or a crossing of a "t," and the Senate bill does not go to conference. I do not like to infer even a criticism of the gentleman's committee. On the contrary, I should rather like to defend his committee from what seems to be an unwarranted attack on it by another body in cutting out so many of its items. Can the gentleman state whether the House conferees are going into conference really to make a fight to defend their bill, or is their action in reporting the Senate bill with no amendments a criterion? If so, we ought not to bother with the appointment of conferees.

Mr. RUSSELL. Mr. Speaker, every Member of the House knows that conferees heretofore appointed to take charge of omnibus pension bills in conference have always contended for the House bill and, as far as they have been able to do so, got the amendments made by the Senate stricken out. The conferees will now contend for the House bill and will retain the items in the House bill as far as is possible. That is all I can state. As to the criticism that I understand the gentleman directly or indirectly attempts to make, that the House has agreed to take the Senate bill without any amendment, I will state that the first bill passed by the Senate was examined by the chairman of the Invalid Pension Committee, and he and his secretary said that there were very few items in it that were objectionable from the standpoint of the rules of the House. And at the suggestion of the chairman of the Invalid Pension Committee, the committee, by unanimous vote, agreed to report that bill to the House without any amendments, so as to avoid a conference. Now, the chairman of the committee believed that there would be very few items criticized by the Invalid Pension Committee, even if it should go to the House or to a conference, and to save time and trouble, believing that we would get very few changes in it anyway, we agreed to take that bill as it was passed by the Senate without sending it to a conference.

Mr. CRAMTON. Does not the gentleman think that a little more reciprocity would be desirable in that kind of an arrangement?

Mr. RUSSELL. Possibly our generosity will be rewarded by a like generosity of the conferees on the part of the Senate?

The SPEAKER. Is there objection?

Mr. WALSH. What is the request?

The SPEAKER. To take this bill from the Speaker's table, disagree to the Senate amendments, and appoint conferees. It is a pension bill.

Mr. WALSH. I object.

The SPEAKER. The gentleman objects.

Mr. RUSSELL. Mr. Speaker, I have seven more of these bills in which I would like to ask the same order, if the gentleman from Massachusetts will permit.

The SPEAKER. Has the gentleman any request to make?

Mr. RUSSELL. I would like to ask the same order that I have asked for with respect to this bill on seven others.

Mr. WALSH. I shall object to all at the present time.

The SPEAKER. The gentleman from Massachusetts objects.

EXTENSION OF REMARKS.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. ROGERS. To ask unanimous consent to extend my remarks in the RECORD by printing a speech made before Members of Congress by Hon. T. P. O'Connor, member of the British Parliament, on Monday evening.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing a speech made by Hon. T. P. O'Connor, a member of the British Parliament, on Monday evening. Is there objection?

Mr. GARRETT of Tennessee. What about?

Mr. ROGERS. It is a speech made before Members of Congress by Hon. T. P. O'Connor at the invitation of the Secretary of the Interior. The Secretary of the Interior invited Mr. O'Connor to address a meeting in the hall of the Department of the Interior. The invitation was extended to Members of Congress by Senator LODGE; Senator PHELAN, of California; Mr. GALLIVAN, of Massachusetts; and myself.

Mr. GARRETT of Tennessee. For the time being I object.

The SPEAKER. The gentleman from Tennessee objects.

FOOD PRODUCTION.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945. The Chair will ask the gentleman from Georgia [Mr. CRISP] to take the chair in the absence of the gentleman from Virginia [Mr. SAUNDERS].

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11945, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Seventh. For enabling the Secretary of Agriculture to provide for and secure the voluntary mobilization and distribution of farm labor for the production and harvesting of agricultural crops, and to advance railroad fares and other actual traveling expenses for the transportation of such labor, upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, $500,000, available immediately, of which not exceeding $50,000 may be expended for the payment of such administrative expenses, including such rent, the expenses of such printing and publications, the purchase of such supplies and equipment, and the employment of such persons and means, in the District of Columbia and elsewhere, as the Secretary of Agriculture may deem necessary for the purposes of this item. Any money received by the United States in repayment of advances made under this item may, in the discretion of the Secretary of Agriculture, be used as a revolving fund for further carrying out the purposes of this item; any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts. In carrying out the purposes of this item the Secretary of Agriculture is authorized to cooperate with the Secretary of Labor or any other Federal, State, county or municipal department, agency, or officer, or with any association of farmers, board of trade, chamber of commerce, or similar organization, or with any person. Agricultural labor actually employed in agriculture and needed for cultivating and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item, and the Secretary of Agriculture shall, as soon as practicable after the close of the calendar year 1918, cause to be made to the Congress a detailed statement showing as far as possible the number of persons transported and employed and a detailed statement of all disbursements under this item.

Mr. YOUNG of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. YOUNG], a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. YOUNG of Texas moves to amend page 4 by striking out the paragraph.

Mr. YOUNG of Texas. Mr. Chairman, this paragraph covers an item of $500,000 for the purpose of mobilizing the labor of the country.

I regret, Mr. Chairman, that I do not find myself in harmony with the Committee on Agriculture with reference to this particular item. I do not think there is a man on this floor that understands the seriousness of the labor question any better than I do as affecting farm labor. It is going to be a serious question as long as this war continues, where the young men are being taken from the farms, as they are from the industries, to help fight this war. In my judgment the appropriation of $500,000 for the purpose of mobilizing farm labor, instead of adding to the solution of the problem, will simply complicate the problem.

Farm labor as a rule is a fixed labor during a period of time. You take it in my section of the country. In the great demand for farm labor, beyond the proposition of the men who are actually engaged in making the crop, we have two periods. The spring period covers some 30 to 60 days, where the extra amount of labor is needed for the hoeing of the cotton crop and the corn, and then along in the fall season, when the gathering of the crop is on. It is a long, hard period of labor to save the great cotton crop of the South. Gentlemen from the grain belt of the country have their busy period at the harvest time of grain. I know what happens in my section of the country when the cotton crop is ready to be gathered in the fall.

Men in that section of the country who have grown great crops and need surplus labor to gather these crops know better than the Secretary of Agriculture can possibly know where to find that surplus labor. They are men who are alive to their situation. They are men who know the labor that they need on their respective farms in the harvest time. They are not asleep during the time that they do not need the labor, but they are looking out for where they will have this labor at the proper time. So they try from year to year to keep in mind the proposition of the number of men they are going to need, and they locate this surplus labor, and at their own expense they go and get this surplus labor and bring it to their respective farms and keep it there by paying the wage scale that is necessary to be paid in order to save this great crop.

Now, here is what will happen: If you enact this bill into law and offer to pay in our section of the country railroad transportation to this surplus labor, you are going to have this labor

riding the trains from field to field instead of being engaged in harvesting the crop. Now, when a farmer goes out after surplus labor he pays these expenses himself in order to get these men to respond, and he is going to see to it by paying the proper wage that these men are kept on the farm when he at his own expense brings them to that farm.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. GREEN of Iowa. I will say to the gentleman from Texas that we have just the same sort of experience that he describes in my State. The farm laborers are being taken away in the manner he has mentioned, and the labor is being taken from the coal mines in the same way, so that we have a lessened production of farm products and also a lessened production of coal from the mines.

Mr. YOUNG of Texas. That is true all over the country. One of the great difficulties in my State is that high wages are being offered in these shipbuilding yards and other industrial centers, which put out flaming advertisements and so draw away the labor that we need to make these crops. The men go, and then frequently find that the extra expense eats up the high wages paid them, and that they could have done better at home on the farm.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MONDELL. Mr. Chairman, I rise to support the amendment offered by the gentleman from Texas. I do not take exactly the view that he seems to take of this matter of the mobilizing of labor and of the transportation of labor from one point to another. I am inclined to the opinion that that is a necessary and essential activity at this time. I oppose this appropriation, however, because of the fact that it provides a new agency to do a work which is already under way completely and, in my opinion, wisely organized. The Department of Labor has a very considerable appropriation, and is, I think, asking for a deficiency appropriation which will undoubtedly be granted, under which it has organized, with great care and, I think, with considerable skill, a labor agency having its branches in every State and in every community in the Union. They are asking for that organization $2,000,000 for the coming fiscal year. Their plan and purpose is to organize with a view of providing labor for all purposes directly or indirectly connected with the carrying on of the war and for the production of all those articles, including foodstuffs, necessary for the war.

Mr. KEATING. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Colorado.

Mr. KEATING. I think the gentleman is perhaps in error when he says that the Department of Labor is planning to handle labor for all purposes. As I understand it, there has been some sort of understanding between the two members of the Cabinet—the Secretary of Agriculture and the Secretary of Labor—with the approval of the President presumably, by which the Department of Agriculture is to look after agricultural labor and the Department of Labor after all other branches of labor.

Mr. MONDELL. I will say to my friend that we have had a long and a very interesting hearing on this subject with the gentlemen of the Department of Labor who have charge of this work. That hearing has just been completed, and their plan and purpose is to provide labor for all purposes—agricultural, industrial, governmental, and private. It is true, as my friend has suggested, that the Secretary of Agriculture—I presume prodded into it, if I may use that term, by some overzealous, well-intentioned people in his bureau, who, like the overzealous people in all bureaus, always hanker to handle everything in sight and a little more—has been persuaded into the notion that his department might properly handle the labor situation so far as it concerns agriculture. I think it is also true that the Secretary of Labor, a good-natured gentleman, as my friend knows, and very efficient, may have been persuaded not to be overinsistent in regard to having his organization cover the entire field. I think it is all a very great mistake.

Here is one of the most flagrant illustrations we have had in a long time of the tendency and disposition to duplicate activities. It so hard for any one of these Government departments to let go anywhere to allow any other department to have anything to do with any matter that is remotely connected with their particular line of activities. Why, sometimes these Government bureaus are scarcely on speaking terms, except in some cases where, fearing too much of a conflict, they may come together, as in a case of this kind, to secure an amicable arrangement, which in this case is not wise. It is not wise from the standpoint of the Agricultural Department and it is not wise from the standpoint of the people of the country who pay the taxes.

Now, let us look at the labor situation. One of the greatest difficulties we have had up to this time in the matter of mobilizing labor, in the matter of securing a sufficient supply of labor where most needed, has been due to the fact that the Government departments themselves have been bidding against one another. They have actually been sending the agents of one department into the works and activities of another to persuade men to leave one class of Government work to become engaged in another, and those very activities of the Federal agents have themselves had a good deal to do with the very unfortunate changes, the shifting, the frequent turnover, a loss alike to the country and to the men themselves, that has occurred since the beginning of the war and in connection with war activities. There is nothing so important as this, that one agency shall survey the entire labor situation and do their best to provide for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time may be extended five minutes. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, if the gentleman will yield, I want to see if we can agree on time for debate on this paragraph. It is the last paragraph in the bill, and I would like to conclude the debate as early as possible. After consulting with gentlemen who want time, I ask unanimous consent that the debate on this paragraph and all amendments thereto be closed in 50 minutes, 25 minutes to be controlled by the gentleman from Iowa [Mr. HAUGEN] and 25 minutes controlled by myself.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 50 minutes, the gentleman from Iowa [Mr. HAUGEN] to control 25 minutes and he the remaining 25 minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. Will the gentleman from Wyoming yield for a question?

Mr. MONDELL. I am glad to yield to the gentleman from Ohio.

Mr. SHERWOOD. How much would be saved to the Government if this amendment were adopted?

Mr. MONDELL. That is a difficult question to answer. If this amendment of the gentleman from Texas [Mr. YOUNG], which I am supporting, were adopted, I believe that there would be a great saving in money, and I am sure there would be very much better service to the country.

As I was saying when my first five minutes expired, there is nothing at this time more important than that all of the labor of the country shall be mobilized to be used in the best possible way, under one head and agency, under an organization that can survey the entire field, the field of Government activity, the field of private activity, Government work, general manufacturing, and the field of farm production.

By so surveying the field they can determine wisely where labor is most needed and make proper provision for it. Unless we do that we will have endless conflicts; we will have the Agricultural Department bidding for labor against the Department of Labor; we will have the Agricultural Department going into the manufacturing sections trying to persuade men to go to the fields when they are needed in the gun factories. We will have the Department of Labor going into the agricultural sections endeavoring to persuade men to go to the powder factories. We will have duplication of work, of effort, confusion, and failure to secure that complete coordination of all the activities of the Government and people that are so tremendously essential at this time.

It is true, I think, that the good-natured Secretary of Labor agreed that he would not protest against this division, but I am confident, although I never talked with him about it, that he did not do so in the belief that it was a wise thing to do. I am inclined to think he did it out of good nature, I am sure, because he must know that only through such a marshaling of the labor forces of the country under one agency, as is proposed to be done through the agency they have organized, can we avoid conflict, duplication of effort and of transportation, the shifting of labor hither and yon without regard to the relative needs of various classes of industry, and all of the extravagancies and waste that are common in the duplication and confusion of activities.

If this $500,000 goes into this bill I suppose the Committee on Appropriations will feel called upon to reduce by like amount the amount asked for by the Secretary of Labor. But even if that is done there is bound to be extravagance, there is bound

to be waste, there is certain to be confusion. Duplication of effort is inevitable, resulting in failure to secure the very best possible results, both from the standpoint of labor and the standpoint of the Government and people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 5, line 19, after the word "agriculture," strike out all down to the word "engaged" and insert in lieu thereof the following: "and all labor under contract for the performance of service as agriculturists or farm laborers."

Mr. STEAGALL. Mr. Chairman, the purpose of the amendment which I have offered is to accomplish what the framers of this act evidently intended should be its effect. But an examination of the language used shows it does not carry the legal effect contemplated.

On page 5, line 18, we find this provision:

Agricultural labor actually employed in agriculture and needed for cultivating and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item.

I take it that the committee intended by this language to withhold authority to disturb labor already devoted to the production of farm products. But the language used, when considered in the light of its legal significance, lodges in the Secretary of Agriculture a discretion in determining whether or not labor actually employed in agriculture is needed for cultivating and harvesting crops.

In my judgment it is unwise to place such power in the Secretary of Agriculture or his appointees, who will really be charged with the enforcement of this act. I have great confidence in the officials of the Department of Agriculture. I would not for a moment question their good faith, and I appreciate as much as anyone the value of the great work being done by that department for the development of the agricultural resources of the Nation—a work that is not only of transcendent importance in the present crisis confronting the country, but which means so much to the permanent prosperity of our people.

I am not unmindful of the splendid service that is being done by the Committee on Agriculture under the leadership of its honored chairman, the gentleman from South Carolina [Mr. LEVER], and the able and patriotic gentleman from Mississippi [Mr. CANDLER], who is in charge of this bill. But as a Representative of a great agricultural community I declare to you that the section of this bill now under consideration, if passed in its present form, is fraught with possibilities very harmful to the agricultural interests of the State of Alabama, as well as many other States of the Union.

The amendment I have offered strikes out the clause leaving it discretionary with the Department of Agriculture to decide whether labor actually employed in agriculture is needed and unequivocally excepts such labor from the provisions of the act. I am perfectly willing to consent to any activities on the part of the Department of Agriculture, or anybody, that will increase the supply of labor to be devoted to agricultural pursuits, and I am more than willing that any labor not engaged in such pursuits and that can be spared shall be mobilized and put to work on the farm.

But surely it is unwise to spend money and organize a department force to stop any man who is already actually employed in agriculture. No one engaged in such work should be disturbed. Let any man who can come forward with a plan to increase the labor, but let us not disturb those already at work.

My amendment also provides that all labor under contract to perform service as agricultural workers shall not be mobilized or transported. Surely there can be no valid argument against this. In the section that I represent the laboring class as a rule are not in financial condition to respond in damages in a civil action for breach of contract. Again, the courts have practically held that there is no remedy by criminal prosecution against those who enter into contract and obtain supplies and other valuables and refuse to perform their contracts or pay for such supplies. To meet these conditions statutes have been passed in Alabama which penalize any interference with persons under contract to perform services for another. This is the only practical protection to be found, and to disregard it would demoralize farm life and farm activities to an extent absolutely destructive in its results.

Only recently in my State and others adjoining it agents of the contractors who are doing the work of development at Muscle Shoals were engaged in the work of recruiting labor under contract to work on farms; and when the local authorities sought to suppress such activities some one connected with the War Department furnished what was supposed to be a legal opinion to the effect that such agents could continue their work in contravention of the statutes of the State and in disregard of such laws as well as the contracts of parties interested. These agents were displaying badges and cards signed by officials of the War Department in their effort to disregard the rights of the citizens of my State. I wish to say in this connection, to the credit of the higher officials of the War Department, that when they were acquainted with the practices being indulged in by these agents all such authority or instructions were withdrawn and such activities terminated. I mention this not in criticism of the War Department or its efforts. I know the difficult and delicate task that confronts them, but I refer to this to show how serious has become this question of interfering with farm labor in my State, and the conditions there are typical of conditions in many other sections of the country.

This is the most important season of the year to our farmers. To disturb their labor now would in many cases result in the complete loss of what has been done during the preceding months of the year. It does not matter that the bill provides for voluntary mobilization. There is a class of laborers in my section to whom free transportation constitutes an overwhelming allurement. Members here who know these conditions as I do will attest this. Any of you who ever saw a negro excursion can understand my meaning. Just let them hear when at church on Sunday that somebody is ready to furnish them transportation across the country to engage in some new kind of work to which they are not accustomed, and they will not stop to inquire what awaits them at the other end of the line. To them it would mean a joy ride, and on Monday morning plows would be stopped and the farmer left to search in vain for new men to take the place of those departing.

If my amendment is adopted it will at least minimize the danger involved in section 7 of this bill, and I earnestly urge that it be adopted. It will only prevent the mobilization of labor actually employed in agriculture or under contract to perform such service, and nobody ought to object to it, whether he favors striking out the section or not. It preserves the true plan for bringing about increased production, and that is to leave all who are already engaged in agriculture to continue their work, and it recognizes the validity of contracts for agricultural service. It is the only way to cooperate with the farmers in increasing their usefulness to the Nation.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, I desire to offer a few observations on the amendment offered by my colleague [Mr. RANDALL] to the Agricultural bill, which under the rules will probably be voted on in the House without further debate. The amendment is as follows:

Page 2, line 2, after the figures "$6,100,000," insert: "No part of this appropriation shall be available for any purpose unless there shall have been previously issued the proclamation authorized by section 15 of the act of August 10, 1917, entitled 'An act to provide further for the national security and defense by stimulating agriculture and facilitating the transportation of agricultural products, such proclamation being the prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes."

The proclamation referred to is that provided for within the discretion of the President in section 15 of the act of August 10, 1917, in the following language:

Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes, or that reduction of the alcoholic content of any such malt or vinous liquor is essential in order to assure an adequate and continuous supply of food, or that the national security and defense will be subserved thereby, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

Mr. Chairman, I voted for national prohibition, and if the plain proposition of war-time prohibition were to be presented to Congress with an equitable provision for compensation to those whose property was to be commandeered or rendered valueless, I would vote for it. Congress, however, believed it wise as a war measure to place this power, along with other sweeping powers, in the hands of the President. Since the 10th of last August he could at any time have limited, regulated, or prohibited the use of all food materials in the making of beer or wine. He has limited and regulated, but thus far he has not prohibited. Why he has not prohibited I do not know, but it is to be presumed that he has reasons connected with the conduct of the war, and which he deems sufficient, which have caused

him to withhold the exercise of the extreme limit of his power for the present at least. It is possible he may have taken into account as a single item that the entire wine-grape crop of the United States is now well along in growth, in some parts of the country approaching maturity; that the crop is so large that a very small percentage of it could be utilized for food even if transportation could be provided, which it could not, and that hundreds of thousands of tons of such grapes would not be saved for food but would decay on the vines, while the farmers and horticulturists who produce them would be plunged into unmerited distress. I do not know that the President has taken this feature into consideration. It is only one of many problems that confront him in the execution of section 15.

If Congress had not already placed this important matter in the hands of the President, I think I could support the object desired to be obtained by the amendment, with just provisions against confiscation. But as Congress did place this power in the hands of the President, and as he has already exercised that power in part, and may exercise it to the limit at any time, and as he probably knows better than anyone else how such action would fit in with the general war program, I am unable to see how it can be summarily withdrawn in the way that is proposed without incurring the just charge that Congress is distrustful of the President and lacks confidence in the way that he may discharge duties that it has already intrusted to him.

I am sure that my colleague would not intentionally propose legislation that would assail the integrity and dignity of the President; but I believe that in this instance he has been carried away by his zeal for the cause of prohibition, of which he is so distinguished an advocate, and that his amendment does fairly bear that interpretation.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. OSBORNE. I have not the time to yield. The amendment confronts the President with this bald proposition: Unless he issues a certain proclamation declaring a certain line of governmental action, as to which by law he has been given discretion, such action to be of a certain specified kind and without reference to his own conviction as to its value as a public policy—if he does not take this involuntary official action he shall be deprived of the use of another act of legislation which he may consider of value to the country and to himself as President in the discharge of his official duties, namely, the food-production bill.

I think that this is a moderate and fair statement of the proposition. I ask if it is a moral and dignified position for Congress to take? Can Congress consistently with its own dignity propose to the Chief Executive to bargain as between legislation? Can it ask him to take certain Executive action promising him as a reward certain other legislation that he may desire? Nay, we go further in this amendment. We place before the President a threat and an ultimatum: That if he does not do a certain thing, which he may believe is right or which he may not believe is right—it does not matter—Congress will retaliate by depriving him of certain other legislation which it believes he desires.

Who desires to confront the President of the United States with this ultimatum? What will be his reply to it? Do we as Representatives in Congress feel that in justice to our own sense of dignity and responsibility we desire to be recorded in favor of presenting to the Chief Magistrate a proposition, however worthy its intent, in such an unfortunate and indefensible form? I certainly do not, and when the roll is called I shall vote against the amendment.

Mr. RUBEY. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I have sought the opportunity to address the House for a few moments in support of the amendment offered by the gentleman from Texas [Mr. YOUNG], with the hope that I may contribute some information that I think should be considered in connection with the proposition now before us.

No one realizes more than I do the seriousness occasioned the farmers of the country on account of the scarcity of available farm labor. I stand ready and willing to do everything that I can to relieve that situation, but I do not believe that the method provided in the bill and which the amendment of the gentleman from Texas seeks to strike out would, if left in, accomplish any good purpose. The provision of the bill, in short, which is sought to be stricken out, appropriates $500,000 to be used by the Secretary of Agriculture in mobilizing farm labor. In these times of stress, when everybody is being taxed and called upon to buy liberty bonds and contribute to the Red Cross and other worthy causes in connection with this war, we ought not to appropriate these large sums of money for purposes which are of doubtful accomplishment. At any rate, something like $3,000,000 have already been appropriated since we entered this war to enable the Department of Labor and the Secretary of Agriculture to mobilize the labor of the country; and now this seeks, it seems to me, a duplication and is therefore without any real justification. I therefore feel constrained to support the amendment of the gentleman from Texas.

May I mention another thing? While many of the boys from the farms have answered their country's call, yet I am inclined to think that that is not the only reason why farm labor has become so scarce. In some sections of my part of the country I am sure that much labor which might be available for farm work has, on account of the high wages paid, been attracted to private industries—coal mining, zinc mining, and governmental work. I am informed that in the coal and zinc mining sections of my country labor may earn anywhere from $4 to $9 a day. Where that condition exists it will always be difficult to get farm labor. So much for that.

What I wanted to specially call your attention to, gentlemen, is a statement I heard made on yesterday evening. I was present and heard an officer in one of the departments of the Government make a statement which in many respects was startling to me in regard to the labor situation generally. It was in substance as follows:

> We have made an investigation and have found that since we went into the war 40 per cent of the labor of this country east of the Mississippi River has been continually traveling upon the railroads, going from place to place.

To me that is a very startling statement, and I want to repeat it, that 40 per cent of the available labor east of the Mississippi River since we entered the war, instead of being engaged in helpful work, has been continually traveling upon the railroads. He was asked what he meant by that, and he said that 40 per cent of the labor was moving from one place to another continually, and therefore not engaged in actual work.

Another statement he made ought to be of interest to the House. He said that the different departments of the Government had mobilized certain labor at Baltimore, at Norfolk, and at one or two other points, where the Government is very greatly in need of labor; that when the Government needed labor down at Muscle Shoals to build the Government nitrate plant, instead of going out in the country and mobilizing the labor, gathering it up at other places, they went to those points where the Government had already the labor mobilized and employed, and offered an advance in wage, and thereby induced the men to quit there and go to another place to work. This deplorable condition is, I think, due very largely to the undesirable system of letting contracts for Government work on the "cost-plus" plan. The contractor is not interested in the price which he pays for labor, for the more he spends the more he gets. There can not possibly be any stability of labor or wage standards fixed in this country if the Government permits these methods to continue. The labor markets will be demoralized and prices of all things will be thrown out of joint, and the mobilization of labor will be an impossibility under such conditions. This statement was made yesterday in my presence by an officer, and a high officer, too, in one of the departments of this Government. I do not believe that that condition should be permitted to exist. I do not believe under these circumstances that the Agricultural Department can render any very great service to the country by attempting to mobilize this labor. Therefore I agree entirely with the gentleman from Texas [Mr. YOUNG] that this is an unnecessary expenditure and would be a waste of money, and that if we will let the farmers of this country alone they will be able to take care of the situation very much better than we can.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. HAMLIN was granted leave to extend his remarks in the RECORD.

Mr. HAUGEN. I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I shall vote for this amendment with a great deal of satisfaction. I voted also for the amendment offered by the gentleman from California [Mr. RANDALL], and I do not care very much which way it works. If it works to defeat all of these appropriations I shall feel very well satisfied. If it works to bring forth the desired proclamation by the President, I would perhaps feel better satisfied still. If this bill could be amended further, it might possibly be brought into condition so that some of us who have hesitated about voting for it under any circumstances would

be ready to ratify it; but, as a matter of fact, it does not make very much difference whether those who are opposed to the bill vote for it or not, because it will be carried. In this Congress it seems necessary only to label a bill an emergency war measure to get the Members of the House to fall over each other in their eagerness to vote for it, in order to show that they are ready to support the war. It would be better to first examine the bills and determine whether in fact they will support the war. Here is a paragraph appropriating $500,000 to duplicate a service already being performed, and which can be better performed by the Department of Labor, and the eloquent gentlemen who have preceded me, to say nothing of my poor efforts, have been unable to get order in the House at any time they were speaking.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CANDLER of Mississippi. The difference between the work performed by the Department of Labor and the Department of Agriculture is this: The Department of Labor has control of the whole labor situation throughout the United States. The Department of Agriculture confines its activities to the labor propositions in agricultural sections, and this is not a duplication of work. On the contrary, it is by cooperation and full agreement between the two departments.

Mr. GREEN of Iowa. If my friend will pardon me, I think that is just exactly the reason why this provision ought to be stricken out. This whole matter with reference to labor ought to be under the control of one department, so that it can be harmonized, brought together under some definite plan or rule; otherwise we shall have one department pulling one way and another department pulling another way, and, worst of all, in these days when we need every cent we can raise, we will have a duplication of expenditures. Gentlemen proceed with the bill as if there were no limit to the funds in the Treasury and no limit to the resources of the country.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BOOHER. Does not nearly every State in the Union, so far as the gentleman is acquainted with the situation, have a farm-labor bureau?

Mr. GREEN of Iowa. Yes.

Mr. BOOHER. Is not the labor question, so far as farms are concerned, pretty well taken care of by those State bureaus?

Mr. GREEN of Iowa. I think it is.

Mr. BOOHER. Then what is the necessity for this expenditure of $500,000?

Mr. GREEN of Iowa. I have been trying to find out what would be the necessity for it and the necessity for a good many other things in the bill. That seems to be something nobody can find out. We have spent several days on this bill and no one has attempted to tell why we should expend half a million of dollars for this purpose. This is not supporting the war. It is taking away from the war one of its chief supports—money.

Mr. COX. Will it not give a lot of free rides?

Mr. GREEN of Iowa. And some more employees?

Mr. COX. Sure.

Mr. GREEN of Iowa. We create another department and they will have places for some more employees down here—that is, they will have opportunity of appointments. We will have no room for them otherwise, for they are in each other's way now. But, gentlemen——

Mr. MONTAGUE. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. MONATGUE. Do I understand from the gentleman that the Labor Bureau already covers this line of activity?

Mr. GREEN of Iowa. Covers all lines of labor activity, and is preparing a plan—I do not know whether it is fully completed, but this bureau is planning for the mobilization and organization of all the labor of the country.

Mr. MONTAGUE. Therefore the gentleman's argument is that unification of one department is easier than coordination of two departments.

Mr. GREEN of Iowa. The gentleman is stating the case briefly better than I did in many words. As he states it it becomes self-evident. In fact, the principle is axiomatic. I hope this item will be stricken out, and I wish it had been possible to amend the other paragraphs so as to lessen about one-half the appropriations which they carry. But the time will come, I will say to the Members of the House present and the few who are willing to listen to such remarks—the time will come before this war is finished when Members of the House will be ready to listen to amendments to cut out unnecessary appropriations, even though the item be no larger than $500,000, which once looked like a great sum to us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman, I have observed that whenever a bill dealing with agriculture is to be discussed all shade-tree farmers rise. [Laughter.] It is refreshing, therefore, to get three minutes for a real farmer to talk about this measure. [Applause.] Now, this section ought to be stricken out. I know something about farmers and farm labor. To start with, you can not mobilize farm labor except to get it off the farm. Any man living in a town and without money enough to pay his own transportation, or mind enough to know what he wants to do, will not live and work on the farm. He will live only where there is an alley in which he can loaf. So, to talk about the mobilization of farm labor in the cities to supply farmers with labor is idle, and anybody who would know a cow from a horse, unless the cow was dehorned, knows it. You can not get farm labor that way. But I will tell you what you can do. You can mobilize farm labor at least in the section from which I come and get rid of it very easily. The Government is doing that now. Anyone who knows a negro—and I do—knows that he would quit his family and crop any day if you will give him free transportation. He does not care where he is to go, nor does not expect to work when he gets there. He travels to broaden his mind and for his health. I know from personal experience. I spent a month in one parish in Louisiana last fall. I saw a plantation with 2,500 acres under cultivation, as fertile land as the Lord ever makes. On that plantation there was one old negro man and one old negro woman. That was the entire labor on that plantation; yet the Department of Agriculture here has been asking appropriations to put Government land under cultivation in order to increase food production. At the same time governmental agencies are stripping the farms of labor from land already cleared, with houses already built, and, in many cases, with stock on the place. These lands are lying idle now, thousands and thousands of acres, because agents from Government plants have taken away the labor. In my section they are importing Mexicans now to take the place of farm labor that the department has mobilized and carried away, and if this section stays in this bill we face ruin. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, exactly as stated by the gentleman from Wyoming and other gentlemen, the result will be the duplication of effort. The Department of Labor now is doing the very thing that is proposed to be done under this amendment. Every State in the Union is short on farm labor, and the only way that anything can be accomplished is to strip one State of its labor to supply another State. The amendment provides for transportation. The I. W. W. would prefer to ride in Pullman cars rather than to pay fare or to steal their rides. If this appropriation is made it will not only give a few of those people a ride in a Pullman car, but fat jobs to a number of Democrats. The result will be that the loafers and the driftwood that is floating over the country in the way of labor will be supplied to the farmers, and, as stated by the gentleman from Arkansas, nothing can be accomplished by that kind of labor. What is needed on the farm is skilled labor, and we are not going to get it under this provision. The Secretary of War now has the power to furlough and skilled farm labor can be provided for, which is, of course, much preferred over what is suggested in this bill.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used one minute.

Mr. HAUGEN. I yield five minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, it is not my intention to talk upon this particular section; but, as this bill is designed to increase food production, I do want to make a suggestion to this administration as to how it may with certainty increase food production. It has become a trite thing to say that food will win the war. That is generally accepted as true. Many schemes and much legislation have been resorted to in order to increase food production. Some of it seems to be very chimerical, and the arguments upon the floor here so far demonstrate that a good deal of it has been abortive. Now, we have in this bill an appropriation of $6,100,000 to increase food production by "educational and demonstrational methods." It seems to me, Mr. Chairman, that instead of spending $6,100,000 for educational and demonstrational methods, for a lecture bureau, that this administration should profit by its experience in the ac-

complishments of the Reclamation Service. Here is your future increase of food production, through the reclamation of the arid lands, the arid lands in the West, amounting to over 17,000,000 acres. Last year upon the Government reclamation projects in the West there were raised some $50,000,000 worth of various kinds of food crops—alfalfa, wheat, oats, barley, and other food products—necessary for the winning of this war. Fifty million dollars' worth were raised upon 1,000,000 acres of land, $50 an acre, exceeding by something over $30 the average yield upon all farms of the country, as shown by the last census report in 1909. Instead of spending this $6,100,000 in "educational and demonstrational methods" put that money into the reclamation of those arid lands. That amount would irrigate easily 120,000 acres. These 120,000 acres if put into wheat would produce from 30 to 50 bushels per acre; in fact, I have known of one farmer on irrigated lands, C. W. Mallett, of Ontario, Oreg., who produced on a small tract 90 bushels of wheat to the acre. He told me while he was here in Washington this spring in the interest of the Warm Springs project that he frequently raised 60 bushels of wheat to the acre on his irrigated farm in Malheur County, Oreg.

But to be conservative, I shall only claim from 30 to 50 bushels of wheat to the acre. In this case $6,100,000 expended on reclamation, every dollar of which would be paid back into the Treasury, would produce from 3,000,000 to 5,000,000 bushels of wheat yearly. Five million bushels of wheat is about one-twentieth of the wheat we have shipped to our allies in the last year. There are a number of projects in my district that have been investigated by the Reclamation Service and that have been investigated by the State board which we have for that purpose. Many of them could be put in operation next year. The Government has spent $50,000 and the State has spent $50,000 in investigating these projects. Some of them have been approved by the Secretary of the Interior; they have been approved by the State board. But you say, "Why do you not resort to the reclamation fund?" We can not do it. We have had representatives from Oregon, together with the congressional delegation, presenting this matter to the Secretary of the Interior. The reclamation fund is a limited one, and it has been the policy of the Secretary of the Interior not to venture upon any new projects until the present projects are completed and paid for. So there is no money with which to undertake any new projects, unless we can get an appropriation from the Treasury.

The money appropriated in this bill to increase food production by the eradication of ticks, $1,058,995, and the $6,100,000 appropriated to increase food production by "educational and demonstrational methods" is sufficient to supply water to the Suttle Lake irrigation district, in Jefferson County, Oreg., which could be made to produce next year more than 100,000 bushels of wheat, together with other food products. It would also, in addition, supply sufficient water to irrigate the Warm Springs irrigation district, in Malheur County, Oreg., where some 12,000 acres are now partially irrigated, which, together with 10,000 more, could be fully irrigated next year. The Suttle Lake district and the Warm Springs district could be made to produce next season more than 1,000,000 bushels of wheat. This amount would also, in addition, put under water the Owyhee irrigation district, in Malheur County, Oreg., which in the next year would produce 1,500,000 bushels of wheat. It would also, in addition, serve water for the North Unit project, in Jefferson County, Oreg., an irrigation district consisting of 100,000 acres. This 100,000 acres could be made to produce within two years from 3,000,000 to 5,000,000 bushels of wheat or its equivalent in alfalfa or other food products.

These projects have been thoroughly investigated by State commissions and also by the United States Reclamation Service. They have voted bond issues, which have been reviewed and approved by the State commissions and the Supreme Court. But they have been unable to float their bonds on account of the financial demands of the war. The owners of these lands have shown their faith in their productive capacity by voting almost unanimously to mortgage their lands to secure these bond issues which I have referred to. They are feasible, practicable projects, and beyond question would increase the food supply in the amounts which I have mentioned, amounting to over 7,000,000 bushels of wheat yearly or its equivalent in other food products. When we consider the certainty of this increased production it seems like a gross waste of money to divert this amount to the eradication of ticks and "educational and demonstrational methods," the results of which in increasing food production are most uncertain when compared with the sure results that would come from the expenditure of this money on the irrigation districts I have mentioned. I have mentioned only a small number of the possible irrigation projects in my district, which contains, according to the report of the Reclamation Service, 1,000,000 acres capable of successful irrigation, with a wheat-producing capacity of from 30,000,000 to 50,000,000 bushels of wheat yearly.

This administration is making a great mistake when it does not put forth most strenuous efforts to increase the reclamation fund by an appropriation from the Treasury of the United States. The reclamation fund contains only some $100,000,000. It should be increased by several hundred million dollars made reimbursable. There are in the reclamation States some 17,000,000 acres capable of profitable reclamation. The Government should at once prepare to reclaim and irrigate these lands for homes for the returning soldiers when the war is over. The absorption of soldiers into the civil life of the country was simplified after the Civil War by the enormous area of public lands which were at that time open to entry. The same absorption of soldiers will be simplified after the present war by the reclamation of our arid lands. In the short time allotted to me I can make but the briefest reference to these matters, but if the administration is sincere, and I think it is, in its desire to increase food production, no better or more practical plan or plan promising surer results could be adopted than the reclamation of the arid lands. Herein lies our insurance against food shortage.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I rise to support the amendment offered by my colleague from Alabama [Mr. STEAGALL]. The bill as it stands gives the Secretary of Agriculture the unrestricted right and authority to mobilize the labor of the farm, so long as it does not interfere with the needs of the community from which it is desired to move it, and the Secretary alone passes on these needs. My colleague represents an almost purely agricultural district, one of the best in our State. I represent a district which is mainly agricultural, but in which we have quite a number of other industries. It is not only the people on the farms that have suffered by the entry of labor agents, but even some of our very best industries have suffered. Several men came into my home town of Gadsden, Ala., lately, where we have a large steel plant, hunting laborers for a big industry in another section. We have a law in Alabama penalizing such agents, and yet a number of them came in there, and when our State authorities, under the police powers of the State, started to arrest them for these violations they simply threw back their lapels and showed a Government badge and said they had authority from the War Department to do what they were doing.

I understand that there was a ruling a short time ago in the Judge Advocate General's office, that in spite of any laws of the States to the contrary, they might go in and get men to work on so-called Government industries.

Mr. STEAGALL. Will my colleague yield?

Mr. BURNETT. I will.

Mr. STEAGALL. I want to say in that connection, in all fairness to the War Department, that when they were fully acquainted with the conditions in Alabama they withdrew the instructions.

Mr. BURNETT. I understand that. But much harm was done before they withdrew them. It was shown the other day in debate on this bill where a discretion was outrageously abused by the Secretary of Agriculture in securing the exemption of 2,000 men from the draft. In that department there are about 20,000 persons, men and women, old and young, employed, and 2,000, or one-tenth of them, had been on the recommendation of the Secretary of Agriculture exempted from the draft.

That revelation showed how dangerous it is to allow that Cabinet officer, at least, such wide discretion on important matters. I am sure the President does not know of this gross perversion of authority or he would not permit it.

Gentlemen in trying to extenuate the matter said that the Secretary of Agriculture could not grant such exemptions; that only the local or district boards could do it. But we all know that the boards would not do it except on the request of the Secretary of Agriculture, and that a request from such a high official would almost be regarded as a command, especially as the several boards could not know how many such requests he had made of other boards. It may be that the other departments are just as bad, and if so, the sooner an investigation is had and the light of pitiless publicity turned on the better it will be for the country.

While the farmer boys who grow the crops to feed the armies and the people are being taken, while Government and other

industries are depopulating the farms, it is outrageous to have 2,000 so-called scientists and experts exempted from the draft in that way.

Mr. HAUGEN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California [Mr. LEA] is recognized for four minutes.

Mr. LEA of California. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, Mr. STEAGALL, Mr. CRAMTON, Mr. GREEN of Iowa, and Mr. HAUGEN were granted leave to revise and extend their remarks in the RECORD.

Mr. LEA of California. Mr. Chairman, last year we prohibited the use of grains in the manufacture of distilled spirits. We gave the President power to limit, regulate, or prohibit the use of food, fruits, food materials, and feeds in the production of malt or vinous liquors for beverage purposes whenever he found that such action was necessary "to insure an adequate food supply." We prohibited the use of grains in the manufacture of distilled spirits. In pursuance of the authority given the President, he has limited the amount of grain that may be used in the manufacture of malt liquors to 70 per cent of the amount previously used. The alcoholic content of beer has been reduced to 2.75 per cent. Further limitations of brewing are now said to be under consideration.

The Randall amendment proposes that an appropriation of $6,100,000 included in this bill for agricultural purposes shall not be available unless the President shall prohibit the use of food, fruits, food materials, and feeds in the production of malt or vinous liquors for beverage purposes. Last year we gave the President a discretionary power over this question. Now we appropriate a sum of money supposedly for a necessary purpose, yet deny its use for such purpose unless the President shall make a certain order whether its conforms to his judgment or not. In other words, you try to control the discretion of the President with a club. Does any man who votes for the Randall amendment honestly doubt the ability or the willingness of the President to do the right thing in this regard?

Does any such man assume a more earnest desire to defend the best interests of our country? Is there anything in the career of our President which would justify a belief that he would approve of or yield to such methods of legislation?

This effort is in line with many efforts heretofore attempted during the war to hamper the President's handling of war situations. Such efforts have not been made with unpatriotic intent. But the man whose failure to comprehend the breadth of the problems of this war, with its intensely human phases, can perform a more useful service by refraining from interfering with a President, who is meeting those problems with full comprehension and rare tact.

As a "war measure" this amendment is a pretense instead of a fact. It is proposed by a Member who voted against the war. It is a political camouflage. It is an attempt to take advantage of a war situation to advance a propaganda movement.

Some months ago I was in one of the Southern States, and for the first time in my life saw a field of growing tobacco being cultivated. It surrounded a dwelling house that was old, weather beaten, yet neat and clean; a home almost of poverty; a humble but worthy American home. The husband and father was holding the handles of a cultivator, pulled by a horse he was driving between the rows of the tobacco plants. Near by a little sister, barefooted, was leading another horse hitched to a cultivator down between other rows, while a little brother, also shoeless, too young to drive the horse and manage the cultivator at the same time, was holding its handles. The wife and mother of the household with a hoe was going through the rows of tobacco plants cutting out weeds. That farm was devoted to tobacco cultivation. It was the investment of that family; taking care of it was their work; that crop when sold meant their food and clothing.

I had before me an article in which the writer called attention to the vast acreage of land in this country devoted to the production of tobacco which could produce wheat, and in which it was claimed Congress should immediately pass a law prohibiting the production and manufacture of tobacco as a matter of food conservation. When I saw that humble home, typical of the tobacco-producing States, and realized how such families labor and sacrifice to produce their crop, I said to myself, "before I would vote for a law which would prevent such people from gaining the reward of their labor in a crop that was already planted I would resign from Congress." Yet that is exactly what is now attempted by the Randall amendment. The grapes on the vines in California and elsewhere in this country are nearing the ripening time. The labor and all the expense of producing them has been incurred. The soil could be devoted to no other purpose this year. The planting time is now past, even if the farmers should conclude to dig up vines more valuable than the land in which they are planted. The wine grapes have no sale or market value for food, feed, or any other use.

It takes four years to raise grape vines to a producing age, a profit-bearing crop. It costs the California grower from $200 to $300 per acre to raise resistant vines to that age. If this amendment is made a permanent law it would cause a loss to the farmers who grow grapes in California alone of $30,000,000. Families, similar to that family in the South, dependent on their grape crop for food and clothing and whose sons are now in the battle line in France or in the United States Army preparing to go would by this amendment be robbed of the reward of their labor. It is not an inspiring sight to see Members of Congress, drawing large salaries, proposing to enact a law at this time which would rob the families of our soldier boys, fighting for us and our country, of their means of sustenance, of their bread and butter. Such a course can not be justified on any principles of morality known to a normal mind. This amendment is not fair nor just. It lacks that common honesty that should characterize this Nation in dealing with its people.

The grape growers in California represent the average citizenship of our State. They represent an industry of importance. Over 160,000 acres of land are devoted to the growing of wine grapes; 16,000 acres in my county alone. That is the primary source of the living of thousands of small farmers who have been encouraged to go into the business by the United States and the State of California. California has spent a quarter of a million of dollars in encouraging the industry. The United States has established and to-day has 12 experimental vineyards on the Pacific coast for the same purpose. These farmers planted the vines, worked, pruned, and cultivated their vineyards for four years before they secured a profit-bearing crop in return. They raised their vineyards as a means of supporting their families and themselves and educating their children. Not one pound of grain is used in the manufacture of those wines. To pretend that you are going to save bread by preventing the manufacture of wine is a sham. The grapes upon those vines are approaching harvest time. They have no market value for any other purpose than the manufacture of wine. To step in at this late hour and pass an act which destroys the value of that crop is an inconsiderate and wanton use of power.

The wine grapes of the country, which have no appreciable food value, if manufactured into wine, could eventually be sold to the foreign trade, and our grape growers would thereby in part be saved from the calamitous injury that this amendment would inflict upon them. But even that measure of justice and liberality is denied our farmers by the terms of this amendment, which absolutely prohibits the use of such grapes and would force them to rot on the vines instead of bringing an income to their owners, who have produced them at great labor and expense.

As a man, as a citizen, as a Member of Congress I am determined that whatever part I take in this war shall be a worthy one. Some day after the hardships and the perils, after the war, our boys are going to come back bringing the flag of our country in triumph. When that day comes I want to be able to welcome them at the shore or at their homes, look them square in the eye, and have a consciousness of having done the right thing by them, however humble it may be. I do not want to go back to California and have the mother or father of one of those boys say to me: "While we were buying liberty bonds, contributing to Red Cross, and while our son was fighting 6,000 miles away in Europe and offering his life for the country you were in Congress drawing a good salary and voting to rob us of the earnings of a lifetime under a false pretense of conserving grain."

One year ago a similar effort to this was made to establish "immediate war prohibition" without any sensible or just consideration of the rights of those who would be unjustly injured thereby, without warning and without any opportunity to devote themselves to other industries before the prohibition was put into effect. Shortly after that I returned to my home in California. One of the first men I met was a fine type of Christian gentleman, who, all his life, had been a teacher of Sunday school and of temperance. Speaking in reference to the effort similar to this he said: "Do those men in Congress think because we believe in temperance we are in favor of com-

mitting such an outrageous injustice? Do they not have faith enough in Christian people to give them credit for being honest, fair, and reasonable?"

England placed prohibitions on ardent spirits and other restrictions on the liquor business during the war. She compensated those who were directly damaged thereby.

France prohibited ardent spirits. She is a small country; the greatest wine-producing country in the world.

According to the "Commerce Reports" last year she produced 953,758,178 gallons of wine. Algeria produced 164,659,274 gallons, making a grand total of 1,118,417,452 gallons of wine produced in French territory during the greatest year of the war. The whole United States produces only about 60,000,000 gallons per year. France produced over fifteen times the amount we produced. The need of France for men and ground for growing foodstuff has been most acute and pressing. Yet she has never found it necessary to commit any such injustice against her citizens as is here proposed.

With much earnestness it is contended that prohibition of the manufacture of barley into beer is necessary for the conservation of food. Who is better able to decide the question of the necessity and advisability of so doing than the President, who has the advice and information and action of the Food Administration, the Agricultural Department, and all the various departments of the Government, and also a better knowledge of the domestic conditions of our allies than is available to any Member of Congress? For my part, I do not question his disposition or willingness or ability to handle that question to the best advantage of our Nation. All other provisions for the conservation and production of foods and feeds have been left to the President. Why prescribe a different rule in this one case, which, most of all, has a human phase and requires the exercise of discretion and changes in regulations from time to time to suit whatever conditions may arise?

The amount of grain consumed in the manufacture of malt liquors this year will be about 1 per cent of the grain production of the country, principally barley. Wheat, corn, rye, oats, and barley—probably in the order named—are useful for bread-making purposes. Barley is now and will continue to be used primarily as a feed for stock. On the 28th day of last May Prof. A. E. Taylor, assistant to the Secretary of Agriculture, wrote the chairman of the Agricultural Committee concerning this question as follows:

> Brewers' grains constitute a favorite feeding concentrate for dairy cattle. For practical purposes the conversion of barley into beer is tantamount to feeding barley to live stock, since in the brewers' grains remains the largest fraction of the protein of the barley.

The present regulations require products of barley after brewing to be used for feed purposes. The quantity of feed material is lessened by the brewing, but there is a partial gain in food value in the fact that the grain has been made more digestible by cooking instead of being fed raw. It is probably a modest estimate to say that the residuary product of the barley after brewing is equal to one-third of its original feed value before brewing. Something less than 40,000,000 bushels of barley will be used in brewing this year. The amount of barley actually withdrawn from food and feed uses will not exceed 30,000,000 bushels, and probably less. That is a large amount to constitute a proportionately small part of the total grain production of the country. Unquestionably it is an amount of importance.

The most available source for the conservation of grain is by limiting the production of tobacco. Over 1,411,000 acres of good agricultural land in this country is devoted to the production of tobacco. That land, figured only at the average yield of the country, would produce over 21,000,000 bushels of wheat per year, over 34,000,000 bushels of corn, over 35,000,000 bushels of barley, and over 42,000,000 bushels of oats. We produce over 1,220,000,000 pounds of tobacco and ordinarily import over 45,000,000 pounds. The tobacco bill of the Nation is greater than its bread bill. The tobacco dealers of this country who annually sell over $200 worth of tobacco are required to pay a special tax. There are 447,766 such dealers. Tobacco is an annual crop that requires much labor, has no food value, and may be classed as a "useless" crop. It is an annual crop that does not require a permanent investment independent of the soil which may well be used for other crops of a food-producing character. Prohibiting the production of tobacco prior to planting time when no growing crop is involved would not inflict a serious loss upon the producer.

I deem it advisable to give the President the same power in reference to tobacco production that he has in reference to the manufacture of light liquors. I would think it unwise to interfere unnecessarily with the habits of those who, perhaps unwisely, use tobacco. But whenever the point of not mere inconvenience, but real necessity, is reached, tobacco production, like beer production, should give way for food and feed.

Fortunately our people are affectionately disposed toward our Government, appreciate its cause, and are entirely willing to make sacrifices and endure inconveniences for victory. When it becomes really necessary, it would be a very unpatriotic and disloyal man that would complain of the prohibition of his beer when such becomes necessary in order to supply our people or our allies with bread. The Nation can do without beer rather than bread. Whenever that point arrives, beer must go, of course. When that time arrives, the President has the power which we have given him and which he will use for that purpose. When the President exercises that power, our people will believe he does so because of the necessity that requires it and not as a mere response to a propaganda.

In my judgment, it is inadvisable for those who desire to pursue the most patriotic course in war time and who do not like alcoholic liquors to seize upon the war as a pretext for enforcing their views upon others who do not agree with them, where only a comparatively nonintoxicating beverage is concerned. Leave the President alone. He is doing his work well. If those so interested would seek to stop the beverage use of ardent spirits during the war or permanently, and provide a method by which strong alcoholic liquors could be sold to the Government and used for mechanical and ammunition purposes, their effort might be sustained with more reason. But nothing of that kind is attempted in this amendment.

Turkey has long been the one important absolutely prohibition nation. Russia established it for the war. The other warring nations prohibited or greatly restricted the use of ardent spirits, and under regulations to conserve grain and protect their soldiers, permit the use of light liquors. The law giving the President power to regulate the production of light liquors is in line with the action of the other enlightened nations at war and approved by their experience. We have reason for greater confidence in the war leadership of France and England than in that of Turkey and Russia.

The question has been raised here as to why the President has not stopped the manufacture of beer. The President has been a student of this war and its conditions in this and other countries. He is aware of the consideration that was given this question in England. England was divided into eight different sections, for each of which a commission of three was appointed to investigate industrial unrest. A comprehensive investigation was made after England had imposed radical restriction upon the output of beer and limited its alcoholic content as we have done. Among other things these commissions reported:

> The feeling in the minds of the workers that their conditions of work and destinies are being determined by a distant authority over which they have no influence requires to be taken into consideration, not only by the Government but by the unions themselves.
>
> Rightly or wrongly the workers are convinced that beer is an indispensable beverage for men engaged in the so-called "hot" or "heavy" trades. If it were demonstrated that a reduction of brewing was necessary in the interests of food conservation, there is no reason to doubt that all classes would loyally acquiesce in whatever diminution was deemed essential, but the belief is prevalent that certain parties are endeavoring to use the national exigencies as an excuse for forcing on prohibition, and to this the great body of workers are bitterly opposed.
>
> It is the view of the commissioners that unless the national demands for food require it no further curtailment of the supply of beer in munition areas should take place.
>
> As an employer sensibly observed to us: "I should not call the liquor restrictions a cause of unrest, but I should unhesitatingly say they are a source of considerable loss of social temper." This, we think, was wisely said, and the matter should be sensibly dealt with, not from the high ideals of temperance reformers, whose schemes of betterment must be kept in their proper place until after the war, but from the human point of view of keeping the man who has to do war work in a good temper, which will enable him to make necessary sacrifices in a contented spirit.
>
> They think, perhaps wrongly, that it is necessary for their work, and when you want them to give the Nation their best work it is an utterly stupid thing to deny to them a small luxury which throughout their lives they have been used to receive. There would be much more sense in depriving England of tobacco, but it would not help to win the war.
>
> The way the matter has been put before us by sensible men and women who are not faddists—and it is only fair to say that the teetotalers who have spoken to us on the subject recognize, like sensible men, that this is not the time to seek to enforce their political mission—is that a reasonable amount of beer for workers who are used to it and want it should be given to them.
>
> The problem is a human problem and must be dealt with at the moment, not from any ideal standpoint but by recognizing that you can not get the best work out of a human being by unnecessary interference with the course of life to which he has been accustomed.
>
> It must be remembered that we are dealing with men who all their lives have been accustomed to drink beer when they want it. We hold no brief either for or against beer drinking, but we are convinced that there is a question which men must settle for themselves, and that it must be recognized that beer is more than a drink. Without going into the thorny question of whether it is a food, it certainly is a social habit or a custom of life, as two witnesses expressed it.

Barley when converted into beer now pays the Government a tax twice the amount of its sale price.

Under the limitations imposed by the President, beer is now practically a nonintoxicating drink. California recently had a law under which a liquor containing not over 2 per cent of alcohol was considered a nonalcoholic drink. Beer now contains only three-quarters of 1 per cent more.

There are thousands and thousands of people in this country of foreign extraction who have been accustomed to the use of light liquors all their lives, and who, wisely or unwisely, regard them as desirable and necessary according to their custom of life. We have thousands of Italian-Americans, a very large percentage of whom would rather give up the use of potatoes than the use of light wines. So it is with a vast number of French-Americans. We have a numerous population of German-Americans who have likewise been accustomed to the use of beer. Altogether there are millions of our population who would regard prohibition of these very light liquors as an officious and unwarranted interference with their custom of life.

I take it that the only right that Congress has to legislate upon this amendment is as a war necessity. Congress is asserting a power it has no right to exercise in time of peace. That fact should deter us from inconsiderate action.

But I believe that the moral right of any legislative body, outside of war conditions, to pass laws concerning individual habits is limited to those cases in which the indulgence of the practice or habit is injurious to others. Society is justified in legislating against the ardent spirits, because overindulgence therein is so common as to constitute a weakness of and an offense against one's home, family, and society in a material degree. But I do not believe that the man who uses beer containing not more than 2.75 per cent of alcohol so far offends against society that his act should be made a Federal crime. I believe it is an unwise course for this Nation to pursue to say to one of the great States of this Union, against the will of the citizens of such State, "Any one of your citizens who has in his possession a bottle of 2.75 per cent beer commits a crime against this Nation for which he may be dragged hundreds of miles from his home and tried in the Federal court." I proposed an amendment to the Federal prohibition amendment under which, if it had been adopted, all ardent spirits would have been prohibited and each State in the country would have reserved the opportunity for itself of deciding whether or not it should regulate, restrict, or prohibit the use of light liquors. The enactment of such a law would have been more consistent with the genius of the American people and a better contribution to a wise disposal of the question than can be secured by such a law as is now proposed. When analyzed to its elements, this effort is an attempt on the part of States and communities, which have exercised their own discretion in disposing of the liquor question, to deny that privilege to the nonconsenting States of the Union.

In our wide expanse of territory and varied conditions local State government is of vast importance in our plan of legislation. It is the primary means of self-assertion and self-determination by the States and their people. It should not be lightly abandoned.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield the remainder of the time to the gentleman from Missouri [Mr. RUBEY].

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. RUBEY. Mr. Chairman and gentlemen of the House, I want to thank you for your applause, and I am sure that you are warranted in giving it to me, for the very good reason that I am the only man on our committee, and so far the only man in the House, who has appeared here in support of the original proposition presented by the committee and opposed to the amendment offered by the gentleman from Texas [Mr. YOUNG] to strike it out. It might seem as though possibly I ought to help you to make it unanimous, but I do not feel like doing that, and so I am going to take a little time to discuss the proposition.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. RUBEY. No. I would be glad to yield to the gentleman, but, as I have to do all the talking for the proposition, I will have to take all the time.

I am glad, and so are you, that the reports that come to us from every part of this country of ours predict an enormous crop. The reports that come from my State show that we are going to have the largest crop that we ever had. [Applause.] And reports of that kind come from every State in the Union.

There is only one thing that is going to hurt us in the food production this year, and that is the question of taking care of the crops when they have been grown and it becomes necessary to harvest them. Every man, I think, who has spoken on the floor of this House in behalf of agriculture within the last two or three months has called attention to the fact that the one great danger confronting agriculture is the labor question, the manner in which we shall get labor to care for the work on the farm.

That is the one question that presents danger, and we all agree that a favorable solution of that question is desirable. We ought to accomplish it in some way. There has been only one proposition brought into this House providing for taking care of the labor situation, and that is the provision in this bill. We passed it through this House about a month and a half ago, and we then appropriated $2,500,000 for this purpose. That bill went through the House and $2,500,000 was appropriated for the purpose of giving the Secretary of Agriculture, in cooperation with the Secretary of Labor, the right to mobilize labor. That bill went to the Senate. It is over there now. It has never been acted upon. And so we felt that we ought to put the provision into this bill. But instead of asking for $2,500,000 we have reduced the amount to $500,000 and framed it in the shape of a revolving fund.

Now, Mr. Chairman, there is an amendment offered here by the gentleman from Alabama [Mr. STEAGALL] in regard to the question of contract labor. There is no objection to that amendment, and I am sure it ought to be agreed to. We do not desire that the Secretary of Agriculture should—and he would not—take labor that was already contracted for something else.

A great deal has been said about duplication of work. A year ago after we passed the appropriation giving the President of the United States $100,000,000 as an emergency fund, what did he do? He turned over $800,000 of that fund to the Secretary of Labor and to the Secretary of Agriculture for carrying on the very work that we are asking for in this bill. They have been cooperating together and doing that work now for a year, and there has been no complaint about it. They have been using the money that was given to them by the President, working together in mobilizing farm labor. Now, when we come to the House of Representatives and ask the House of Representatives to give $500,000 for this purpose, a sum $300,000 less than the President himself gave to this kind of work a year ago, then we see every man who talks about it getting on the floor and saying it is duplication of work.

I want to read to you a letter which I have from the Secretary of Agriculture upon this question of duplication of work. The letter is a copy of a letter addressed by the Secretary of Agriculture to the chairman of the Committee on Appropriations upon this very subject, and I want gentlemen who have talked about duplication of work to listen to the reading of this letter. It is dated May 8. I read:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, May 8, 1918.

Hon. SWAGAR SHERLEY,
House of Representatives.

DEAR MR. SHERLEY: Secretary Wilson called me on the telephone a little while ago and indicated that you would like to have some expression from me regarding the item for mobilizing and distributing farm labor in the pending food-production act. I understand that Secretary Wilson has asked for an additional sum for mobilizing labor, and the question in your mind naturally is whether one department is likely to duplicate the activities of the other, or whether the aggregate of the two items is needed.

For a year the Departments of Agriculture and Labor have been working in close cooperation on the labor problem. This department, because it had agencies in all the rural districts, undertook to deal with the mobilization of labor in rural districts for agricultural purposes only. The Department of Labor is undertaking to mobilize labor for all industrial purposes, including city and town labor for distribution to agricultural districts so far as it may be feasible and necessary. I do not know what amount the Department of Labor has asked for, and would not be competent, of course, to pass upon their estimates. I am of the opinion, however, that the appropriation of the sum indicated in the food-production act for this department is desirable. The present indications are that the chief limiting factor in agriculture this year may be labor, especially for harvesting. There was planted last year the largest wheat acreage on record, and the indications are that the acreage to be harvested this year will be about 36,400,000, the second largest crop on record, against 27,400,000 last year. The rye acreage, it is estimated, will be 5,435,000, the largest on record, against 4,102,000 last year. I have reason to believe that there will be a larger acreage of spring wheat than usual, and that the plantings of other staple crops will be heavy. It would be highly unfortunate, in case the country should be blessed with abundant crops in this crisis, to fail to reap them in season and to safeguard them. The item in question would enable this department to render much assistance. It is in the nature, at least, of insurance. It would not be expended unless the circumstances demanded it. I think it would be unsafe not to have it.

I understand that Secretary Wilson has advised you that I consulted with him before the item was inserted and that he approves it. He and I will see to it that the cooperative relations between the two departments are effective and that there will be no waste of effort or funds.

Very truly, yours,

———— ————,
Secretary.

Now, gentlemen, that shows the position of the Secretary of Agriculture.

Mr. HAMLIN. Mr. Chairman, will my colleague yield for a question right there?

Mr. RUBEY. I will. Make it short.

Mr. HAMLIN. Yes. The gentleman will admit, of course, that this letter was not written in regard to this item in the bill?

Mr. RUBEY. It was about this very item.

Mr. HAMLIN. About this item?

Mr. RUBEY. This item in this bill.

Mr. HAMLIN. This was written to the chairman of the Committe on Appropriations.

Mr. RUBEY. I know; but it was written to him to explain this item, because the chairman of the Committee on Appropriations was thinking about opposing it, and he asked for the facts in the case, and the letter was written to the chairman of the committee in order to express his views on this very item.

Mr. HAMLIN. I will ask the gentleman another question. Did the Secretary of Agriculture estimate for this item?

Mr. RUBEY. In a supplemental estimate only, not in the regular appropriation bill. When his attention was called to the fact that the bill we passed for $2,500,000 might possibly fail in the Senate, he said by all means it ought to be put upon this bill as an amendment, because if the other did not go through this would serve as a revolving fund to take its place.

Mr. HAMLIN. It is not the original estimate?

Mr. RUBEY. It is a supplemental estimate.

Mr. HAUGEN. As to the original estimate is it not a fact that no money was being expended along this line of work by any department?

Mr. RUBEY. That could not be true, because the sum of $800,000 was being used by the Secretary of Labor and the Secretary of Agriculture, and they have been using it for a year, and the object of this legislation is to give the money in order that this work may be continued the coming year just as it has been done during the present year. I hope the amendment of the gentleman from Texas [Mr. YOUNG] to strike out the paragraph will be voted down.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The vote will first be taken on the amendment of the gentleman from Alabama [Mr. STEAGALL] to perfect the text. The Chair will direct the Clerk to report that amendment.

The Clerk read as follows:

Amendment offered by Mr. STEAGALL: Page 5, line 19, after the word "agriculture," strike out all down to the word "engaged" in line 20 and insert in lieu thereof the following: "and all labor under contract for the performance of service as agriculturists or farm laborers," so that the sentence as amended will read:

"Agricultural labor actually employed in agriculture and all labor under contract for the performance of service as agriculturists or farm laborers and needed for cultivation and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item, and the Secretary of Agriculture shall, as soon as practicable after the close of the calendar year 1918, cause to be made to the Congress a detailed statement showing as far as possible the number of persons transported and employed and a detailed statement of all disbursements under this item.

Mr. CANDLER of Mississippi. Mr. Chairman, there is no objection to that amendment.

The question being taken, the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Texas [Mr. YOUNG] to strike out the entire section.

The question being taken, on a division (demanded by Mr. RUBEY), there were—ayes 99, noes 17.

Mr. RUBEY. Mr. Chairman, I wonder if we could not have tellers.

The CHAIRMAN. The gentleman from Missouri demands tellers.

Tellers were refused, five members, not a sufficient number, seconding the demand.

The CHAIRMAN. Tellers are refused. On this vote the ayes are 99 and the noes 17. The ayes have it, and the motion to strike out prevails.

Mr. CANDLER of Mississippi. Mr. Chairman, I move that the committee do now rise and report the bill to the House with recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MOORE of Pennsylvania. Does the gentleman desire to extend his remarks on this bill?

Mr. HEFLIN. Upon the legislative work of Congress since the war commenced.

Mr. MOORE of Pennsylvania. Mr. Chairman, I prefer that that request be made in the House.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. HEFLIN. What reason did the gentleman from Pennsylvania give, Mr. Chairman?

Mr. CRAMTON. Regular order.

The CHAIRMAN. The request is not in order now, anyway. The committee had decided to rise, and the Chair was simply waiting the coming of the Speaker.

Mr. MOORE of Pennsylvania. The gentleman came in at the wrong time. If he wants a reason he ought to have come in in the regular way. The gentleman came in in an irregular way.

Mr. HEFLIN. I will be here at the regular time, then.

Mr. MOORE of Pennsylvania. That is the proper thing to do.

The CHAIRMAN. The committee will rise and report the bill to the House.

The committee accordingly rose; and Mr. GARRETT of Tennessee having taken the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded upon any amendment? If not, the Chair will put them in gross.

Mr. GALLIVAN. Mr. Speaker, I ask for a separate vote on the Randall amendment.

The SPEAKER pro tempore. The gentleman from Massachusetts demands a separate vote on the Randall amendment.

Mr. RUCKER. Mr. Speaker, pending that request for a separate vote, as I have been unavoidably absent from the city for a day or two, I would like unanimous consent to address the House for five minutes in explaining my views on that subject.

Mr. RAKER. I ask for a separate vote on the Young amendment.

Mr. GALLIVAN. Mr. Speaker, I withdraw my request.

Mr. RUCKER. Then I withdraw my request to address the House.

Mr. RAKER. I withdraw my request, too.

Mr. GRIFFIN. I renew the request made by the gentleman from Massachusetts [Mr. GALLIVAN] for a separate vote on the Randall amendment.

Mr. SLAYDEN. I renew the request.

The SPEAKER pro tempore. The gentleman from Texas [Mr. SLAYDEN] and the gentleman from New York [Mr. GRIFFIN] renew the request for a separate vote upon the Randall amendment. Is a separate vote demanded upon any other amendment?

Mr. RAKER. Mr. Speaker, if a separate vote is demanded on that I ask for a separate vote on the Young amendment to strike out the last section.

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] demands a separate vote on the Young amendment. Is there a request for a separate vote on any other amendment? If not, the Chair will put the others in gross.

Mr. MOORE of Pennsylvania. A parliamentary inquiry. I should like to know whether a separate vote has been demanded on the Randall amendment? My attention was diverted for the moment, and I did not hear the request.

The SPEAKER pro tempore. It has been demanded.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GRIFFIN. Mr. Speaker, I withdraw my request for a separate vote.

Mr. COX. I renew it, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York [Mr. GRIFFIN] withdraws his request. The gentleman from Texas [Mr. SLAYDEN] demanded a separate vote.

Mr. GORDON. The gentleman from Indiana [Mr. Cox] renewed the request.

Mr. COX. I have renewed the request.

Mr. LONGWORTH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. A separate vote on the Randall amendment was demanded by the gentleman from Texas [Mr. SLAYDEN] and by the gentleman from New York [Mr. GRIFFIN]. The gentleman from New York has withdrawn his request, but the gentleman from Texas has not withdrawn his demand.

Mr. SLAYDEN. Mr. Speaker, what was the request made by the gentleman from Indiana [Mr. Cox]?

The SPEAKER pro tempore. He renewed the demand.

Mr. SLAYDEN. For a separate vote on the Randall amendment?

The SPEAKER pro tempore. On the Randall amendment.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will state his parliamentary inquiry.

Mr. LONGWORTH. The previous question not having been ordered, is debate on the Randall amendment in order?

The SPEAKER pro tempore. The previous question not having been ordered or demanded, debate is in order.

Mr. CANDLER of Mississippi. The previous question is ordered under the rule on the bill and all amendments.

The SPEAKER pro tempore. The Chair is informed that the previous question is ordered in the rule.

Mr. LONGWORTH. Then there is no opportunity for debate?

The SPEAKER pro tempore. No opportunity for debate.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. Have the demands for a separate vote on the Randall amendment been withdrawn?

The SPEAKER pro tempore. No; the demand for a separate vote on the Randall amendment still stands. Is there a demand for a separate vote on any other amendment except the Randall and the Young amendments? [After a pause.] The Chair hears none, and the Chair will put the other amendments in gross.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to address the committee for five minutes.

The SPEAKER pro tempore. But the previous question is ordered.

Mr. RUCKER. It is ordered by the rule, but I could have the time by unanimous consent. Does the adoption of the previous question preclude the House from transacting business by unanimous consent? I would like to express my views on this amendment.

Mr. COX. Mr. Speaker, I withdraw my request for a separate vote on the Randall amendment.

Mr. SLAYDEN. If it is likely to provoke debate, I withdraw my request for a separate vote on the Randall amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, inasmuch as all the Democrats who have made the demand have withdrawn it, evidently wishing to avoid the issue, I renew the demand.

Mr. MONDELL. Mr. Speaker, I demand the regular order.

Mr. RUBEY. If we are going to have a separate vote on these amendments I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Missouri makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. CANDLER of Mississippi. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. RUCKER) there were 67 ayes and 27 noes.

So a call of the House was ordered.

The Doorkeeper was directed to close the doors and the Sergeant at Arms to notify the absentees.

Mr. SLAYDEN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SLAYDEN. Is this a vote to concur in the amendment?

The SPEAKER pro tempore. No; it is merely a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Dill	Heintz	McKinley
Anthony	Dillon	Hicks	McLaughlin, Pa.
Ashbrook	Drukker	Hilliard	Mann
Austin	Dunn	Hood	Mason
Bankhead	Edmonds	Howard	Meeker
Beshlin	Estopinal	Humphreys	Merritt
Bowers	Fairchild, G. W.	Ireland	Miller, Minn.
Britten	Fess	Jacoway	Miller, Wash.
Burroughs	Flynn	Johnson, S. Dak.	Moon
Caldwell	Focht	Johnson, Wash.	Mott
Campbell, Pa.	Foster	Kahn	Neely
Carter, Mass.	Gard	Kearns	Parker, N. Y.
Clark, Fla.	Glass	Kehoe	Peters
Clark, Pa.	Godwin, N. C.	Kelley, Mich.	Porter
Classon	Gould	Key, Ohio	Powers
Collier	Graham, Pa.	Kreider	Price
Copley	Gray, Ala.	LaGuardia	Ragsdale
Costello	Greene, Mass.	Langley	Reed
Currie, Mich.	Griest	Lazaro	Rose
Curry, Cal.	Hadley	Lehlbach	Rowe
Darrow	Hamilton, N. Y.	Lesher	Rowland
Dempsey	Hardy	Little	Sabath
Dewalt	Hayes	Lunn	Sanders, La.
Dies	Heaton	McKenzie	Saunders, Va.
Scott, Pa.	Sloan	Strong	Watson, Pa.
Sears	Small	Switzer	Webb
Sells	Steele	Temple	White, Me.
Siegel	Stephens, Nebr.	Templeton	Woods, Iowa
Sims	Sterling, Pa.	Vare	Wright
Sisson	Stevenson	Volstead	Zihlman

The SPEAKER pro tempore. On this call 311 Members have answered to their names, a quorum.

Mr. CANDLER of Mississippi. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. Is a separate vote demanded upon any other amendments than the Randall amendment and the Young amendment? If not, the Speaker will put the other amendments in gross. The question is on agreeing to the amendments other than the Randall amendment and the Young amendment.

The amendments were agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the Randall amendment.

Mr. RUCKER. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RUCKER. I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER. I want to know if it is proper to ask unanimous consent now to explain why a man who favors prohibition in principle will not vote for this amendment? I would like to have a chance to do it, and I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The Chair will state to the gentleman from Missouri that the previous question having been ordered, it is not in order to debate.

Mr. RUCKER. If the Chair will indulge me a moment, I am in favor of prohibition, but not in this way. [Cries of "Regular order!"]

The SPEAKER pro tempore. The question now is on agreeing to the amendment offered by the gentleman from California [Mr. RANDALL].

Mr. STAFFORD. I ask unanimous consent that the Randall amendment may be again reported.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk again reported the Randall amendment.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER. Mr. Speaker, if this amendment should be agreed to, then the Congress of the United States——

Mr. MONDELL. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Missouri is propounding a parliamentary inquiry.

Mr. RUCKER. Mr. Speaker, if this amendment should be adopted, then the farmers of the United States would be denied the benefit of this appropriation unless we could whip the President into submission.

The SPEAKER pro tempore. That is not a parliamentary inquiry. The question is on agreeing to the Randall amendment.

The question was taken; and on a division (demanded by Mr. RANDALL) there were—ayes 112, noes 96.

Mr. MOORE of Pennsylvania. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 135, answered "present" 3, not voting 114, as follows:

YEAS—178.

Almon	Cramton	Fuller, Mass.	Kennedy, Iowa
Anderson	Crisp	Gandy	Kettner
Aswell	Dale, Vt.	Garrett, Tex.	Kies, Pa.
Ayres	Dallinger	Good	Kincheloe
Baer	Decker	Goodall	King
Barkley	Denison	Goodwin, Ark.	Kinkaid
Barnhart	Dickinson	Graham, Ill.	Knutson
Bell	Dixon	Green, Iowa	Kraus
Bland	Doolittle	Hamilton, Mich.	La Follette
Blanton	Doughton	Hamilton, N. Y.	Larsen
Borland	Dowell	Hamlin	Littlepage
Brand	Drane	Harrison, Va.	Lobeck
Browne	Elliott	Hastings	Lufkin
Burnett	Ellsworth	Haugen	Lundeen
Butler	Esch	Hawley	McClintic
Byrns, Tenn.	Evans	Hayden	McCormick
Campbell, Kans.	Fairchild, B. L.	Helm	McCulloch
Caraway	Fairfield	Helvering	McFadden
Carter, Okla.	Farr	Hensley	McKeown
Chandler, Okla.	Ferris	Hersey	McLaughlin, Mich.
Claypool	Fields	Hollingsworth	Magee
Connally, Tex.	Focht	Hutchinson	Mapes
Connelly, Kans.	Fordney	James	Mays
Cooper, Ohio	Foss	Johnson, Ky.	Mondell
Cooper, W. Va.	Frear	Jones	Morgan
Cooper, Wis.	French	Keating	Mott
Cox	Fuller, Ill.	Kelly, Pa.	Nelson

Norton	Roberts	Snook	Volstead
Oldfield	Robinson	Steagall	Walker
Oliver, Ala.	Rogers	Stedman	Walsh
Olney	Romjue	Steenerson	Walton
Overstreet	Rubey	Sterling, Ill.	Wason
Padgett	Russell	Stevenson	Weaver
Paige	Sanders, Ind.	Stiness	Wheeler
Park	Sanders, N. Y.	Sweet	White, Ohio
Peters	Scott, Mich.	Taylor, Ark.	Williams
Pratt	Shackleford	Taylor, Colo.	Wilson, Ill.
Purnell	Shallenberger	Thomas	Wingo
Raker	Shouse	Thompson	Winslow
Ramseyer	Sims	Tillman	Wise
Randall	Sinnott	Timberlake	Wood, Ind.
Rankin	Slemp	Towner	Woodyard
Reavis	Smith, Idaho	Treadway	Young N. Dak.
Reed	Smith, Mich.	Vestal	
Robbins	Snell	Vinson	

NAYS—135.

Bacharach	Eagle	Lever	Rucker
Beakes	Elston	Linthicum	Sanford
Black	Fisher	London	Schall
Blackmon	Francis	Longworth	Scott, Iowa
Booher	Freeman	McAndrews	Scully
Browning	Gallagher	McArthur	Sherley
Brumbaugh	Gallivan	McLemore	Sherwood
Buchanan	Garland	Maher	Slayden
Byrnes, S. C.	Garner	Mansfield	Smith, C. B.
Candler, Miss.	Garrett, Tenn.	Martin	Smith, T. F.
Cannon	Gillett	Meeker	Snyder
Cantrill	Glynn	Montague	Stafford
Carew	Gordon	Moore, Pa.	Stephens, Miss.
Carlin	Gray, Ala.	Moores, Ind.	Sullivan
Cary	Gray, N. J.	Morin	Sumners
Chandler, N. Y.	Greene, Vt.	Mudd	Swift
Church	Gregg	Nichols, Mich.	Tague
Cleary	Griffin	Nolan	Talbott
Coady	Harrison, Miss.	Oliver, N. Y.	Tilson
Crago	Haskell	Osborne	Tinkham
Crosser	Holland	O'Shaunessy	Van Dyke
Dale, N. Y.	Houston	Overmyer	Venable
Davis	Huddleston	Parker, N. J.	Voigt
Delaney	Hull, Iowa	Phelan	Waldow
Dent	Hull, Tenn.	Platt	Ward
Denton	Husted	Pou	Watkins
Dewalt	Igoe	Quin	Watson, Va.
Dominick	Juul	Rainey, H. T.	Welling
Donovan	Kahn	Rainey, J. W.	Welty
Dooling	Kennedy, R. I.	Ramsey	Whaley
Doremus	Key, Ohio	Rayburn	Wilson, La.
Dupré	Kitchin	Riordan	Wilson, Tex.
Dyer	Lea, Cal.	Rodenberg	Young, Tex.
Eagan	Lee, Ga.	Rouse	

ANSWERED "PRESENT"—3.

Anthony	Emerson	Madden

NOT VOTING—114.

Alexander	Estopinal	Kearns	Rose
Ashbrook	Fairchild, G. W.	Kehoe	Rowe
Austin	Fess	Kelley, Mich.	Rowland
Bankhead	Flood	Kreider	Sabath
Beshlin	Flynn	LaGuardia	Sanders, La.
Bowers	Foster	Langley	Saunders, Va.
Britten	Gard	Lazaro	Scott, Pa.
Brodbeck	Glass	Lehlbach	Sears
Burroughs	Godwin, N. C.	Lesher	Sells
Caldwell	Gould	Little	Siegel
Campbell, Pa.	Graham, Pa.	Lonergan	Sisson
Carter, Mass.	Greene, Mass.	Lunn	Sloan
Clark, Fla.	Griest	McKenzie	Small
Clark, Pa.	Hadley	McKinley	Steele
Classon	Hamill	McLaughlin, Pa.	Stephens, Nebr.
Collier	Hardy	Mann	Sterling, Pa.
Copley	Hayes	Mason	Strong
Costello	Heaton	Merritt	Switzer
Currie, Mich.	Heflin	Miller, Minn.	Temple
Curry, Cal.	Heintz	Miller, Wash.	Templeton
Darrow	Hicks	Moon	Vare
Davidson	Hilliard	Neely	Watson, Pa.
Dempsey	Hood	Nicholls, S. C.	Webb
Dies	Howard	Parker, N. Y.	White, Me.
Dill	Humphreys	Polk	Woods, Iowa.
Dillon	Ireland	Porter	Wright
Drukker	Jacoway	Powers	Zihlman
Dunn	Johnson, S. Dak.	Price	
Edmonds	Johnson, Wash.	Ragsdale	

So the Randall amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. FOSTER with Mr. MCKINLEY.

Mr. SANDERS of Louisiana with Mr. DUNN.

Mr. HOOD with Mr. HEATON.

Mr. JACOWAY with Mr. HAYES.

Mr. STEPHENS of Nebraska with Mr. GEORGE W. FAIRCHILD.

Mr. PRICE with Mr. ROWLAND.

Mr. HILLIARD with Mr. LEHLBACH.

Mr. SEARS with Mr. STRONG.

Mr. STEVENSON with Mr. LITTLE.

Mr. DIES with Mr. TEMPLE.

Mr. ASHBROOK with Mr. AUSTIN.

Mr. BANKHEAD with Mr. BOWERS.

Mr. BESHLIN with Mr. BRITTEN.

Mr. BRODBECK with Mr. CARTER of Massachusetts.

Mr. CALDWELL with Mr. CLARK of Pennsylvania.

Mr. CAMPBELL of Pennsylvania with Mr. COPLEY.

Mr. CLARK of Florida with Mr. COSTELLO.

Mr. COLLIER with Mr. LANGLEY.

Mr. DILL with Mr. CURRY of California.

Mr. ESTOPINAL with Mr. DARROW.

Mr. FLYNN with Mr. DAVIDSON.

Mr. GARD with Mr. DEMPSEY.

Mr. FLOOD with Mr. DILLON.

Mr. GLASS with Mr. EDMONDS.

Mr. GODWIN of North Carolina with Mr. FESS.

Mr. WRIGHT with Mr. SLOAN.

Mr. HOWARD with Mr. GOULD.

Mr. HUMPHREYS with Mr. GRAHAM of Pennsylvania.

Mr. HAMILL with Mr. GRIEST.

Mr. HARDY with Mr. HICKS.

Mr. HEFLIN with Mr. IRELAND.

Mr. KEHOE with Mr. ZIHLMAN.

Mr. MOON with Mr. MCLAUGHLIN of Pennsylvania.

Mr. LESHER with Mr. ROWE.

Mr. NEELY with Mr. WATSON of Pennsylvania.

Mr. LUNN with Mr. MILLER of Minnesota.

Mr. POLK with Mr. PORTER.

Mr. RAGSDALE with Mr. SELLS.

Mr. SABATH with Mr. KELLEY of Michigan.

Mr. SISSON with Mr. SIEGEL.

Mr. SAUNDERS of Virginia with Mr. VARE.

Mr. STEELE with Mr. KREIDER.

Mr. WEBB with Mr. WOODS of Iowa.

Mr. STERLING of Pennsylvania with Mr. PARKER of New York.

On this vote:

Mr. MCKENZIE (for) with Mr. MADDEN (against).

Mr. NICHOLLS of South Carolina (for) with Mr. LONERGAN (against).

Mr. BURROUGHS (for) with Mr. CLASSON (against).

Mr. HADLEY (for) with Mr. LAZARO (against).

Mr. JOHNSON of Washington (for) with Mr. SMALL (against).

Mr. ALEXANDER (for) with Mr. GREENE of Massachusetts (against).

Mr. ANTHONY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. ANTHONY. Mr. Speaker, I came in the Hall just about as my name was called.

The SPEAKER. Did the Clerk call the gentleman's name before he got in or afterwards?

Mr. ANTHONY. It was a very close shave, Mr. Speaker. I would like to have my name called. I desire to vote "present."

The name of Mr. ANTHONY was called, and he answered "Present."

Mr. EMERSON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening?

Mr. EMERSON. Mr. Speaker, if I could vote, I would vote "aye." May I vote "present"?

The name of Mr. EMERSON was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the Young amendment, striking out the last section.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. RAKER. Division, Mr. Speaker.

The SPEAKER. Does the gentleman insist on a division?

Mr. RAKER. I insist on a division.

The House again divided; and there were—ayes 161, noes 26.

So the Young amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time; was read the third time.

Mr. HUTCHINSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. HUTCHINSON. To offer a motion to recommit the bill to the Committee on Agriculture.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HUTCHINSON. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HUTCHINSON moves to recommit the bill to the Committee on Agriculture with instructions to report the same back forthwith with the following amendments:

On page 2, line 6, after the word "product," strike out the amount "$1,058,975" and insert in lieu thereof "for the following stated purposes and in amounts as follows: Eradication of cattle ticks, $61,610; eradication of hog cholera, $202,965; eradication of abortion, influenza, strangles, etc., $175,000; production of beef cattle, $105,000; live-stock production in the great plains regions, $100,000; production of pork, $150,000; production of poultry, $129,600; production of sheep, $60,000;

making cottage cheese on the farm, $52,950; utilization of creamery by-products, $21,850; in all, $1,058,975."

On page 2, line 23, after the word "products," strike out the amount "$811,600" and insert in lieu thereof "for the following stated purposes and in amounts as follows: Cereal-smut eradication, $110,000; peanut conservation and utilization, $15,000; control of cotton, truck, and forage crop diseases, $117,550; farm storage of sweet potatoes, $30,000; location of Irish potato seed stocks, $30,000; plant-disease survey, $23,000; castor-bean production and utilization, $20,000; maintenance of field-bean seed supply, $10,000; field supervision of war-garden work, $7,500; production of cereals and grain sorghums, $53,250; sugar-beet nematode work, $10,000; inspection of fruits during processes of marketing, $18,000; control of new sugar-cane disease, $20,000; production of rice, $5,000; control of cereal and forage insects, $55,000; control of stored-product insects, $22,000; control of vegetable and truck crop insects, $35,000; control of sweet-potato weevil, $30,000; control of deciduous-fruit insects, $45,000; control of citrus-fruit insects, $10,000; control of insects injurious to live stock, $20,000; control of rice insects, $3,000; control of sugar-cane insects, $9,000; general supervision of emergency insect-control work, $3,000; prevention of plant-dust explosions and fires, $75,000; fruit and vegetable utilization, $35,000; in all $811,300."

On page 3, line 2, after the word "others," strike out the amount "$6,100,000" and insert in lieu thereof "for the following stated purposes and in amounts as follows: General administration of extension work, $35,000; home-economics work, $25,000; extension work in Northern and Western States, $134,200; county-agent work, $1,893,000; boys' and girls' club work, $382,900; home-demonstration work, $1,327,400; extension work in Southern States, $90,000; county-agent work, $1,333,815; boys' club work, $75,300; home-demonstration work, $803,385; in all, $6,100,000."

On page 3, line 15, after the word "nineteen," strike out the amount "$2,136,028" and insert in lieu thereof "for the following stated purposes and in amounts as follows: Market news service on fruits and vegetables, $500,000; market news service on live stock and meats, $300,000; market news service on butter, cheese, eggs, and poultry, $164,000; market news service on grain, hay, feeds, and seeds, $180,720; food and fertilizer survey of the United States, $449,700; conservation of food products in transportation and storage, $229,937; market inspection of perishable foods, $51,000; city market service; $66,131; direct market activities, $85,100; special market activities, $109,440; in all, $2,136,028."

On page 3, strike out all of lines 22 and 23 and the word "Columbia," in line 24, and insert in lieu thereof "for the following stated purposes and in amounts as follows: Office of the Secretary, $76,420; publication and informational work, $235,000; agricultural exhibits, $43,020; rent in the District of Columbia, $25,000; assistance in supplying farm labor, $162,000; poultry and egg demonstrations, $40,000; sirup demonstrations, $7,000; preparation of sweet sirups, $5,000; handling, transportation, and storage of fish, $20,000; waterproofing leather for Government and farm use, $3,000; serviceability tests of leather and leather substitutes, $6,000; utilization of wool-scouring wastes, $9,000; extension work in bee-keeping, $15,000; control of noxious rodents, $100,000; destruction of predatory animals, $125,000; special work in crop estimating, $234,540; in all, $1,105,980."

Mr. CANDLER of Mississippi. Mr. Speaker, I move the previous question upon the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. HUTCHINSON. Division, Mr. Speaker; I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 147, answered "present" 2, not voting 118, as follows:

YEAS—163.

Anderson	Frear	McCulloch	Schall
Anthony	Freeman	McFadden	Scott, Iowa
Bacharach	Fuller, Ill.	McLaughlin, Mich.	Scott, Mich.
Baer	Fuller, Mass.	Magee	Scully
Bland	Gallagher	Maher	Sherley
Browne	Gallivan	Mapes	Sinnott
Browning	Gillett	Meeker	Slemp
Butler	Glynn	Mondell	Smith, Idaho
Campbell, Kans.	Good	Moore, Pa.	Smith, Mich.
Cannon	Goodall	Moores, Ind.	Smith, T. F.
Carew	Graham, Ill.	Morgan	Snell
Cary	Gray, N. J.	Morin	Snyder
Chandler, Okla.	Green, Iowa	Mott	Stafford
Church	Greene, Vt.	Mudd	Steenerson
Coady	Hamilton, Mich.	Nelson	Sterling, Ill.
Cooper, Ohio	Hamilton, N. Y.	Nichols, Mich.	Stiness
Cooper, W. Va.	Haskell	Nolan	Sullivan
Cooper, Wis.	Haugen	Norton	Sweet
Crago	Hawley	Oliver, N. Y.	Swift
Cramton	Helm	Osborne	Tague
Dale, N. Y.	Hersey	Paige	Tilson
Dale, Vt.	Hollingsworth	Parker, N. J.	Timberlake
Dallinger.	Hull, Iowa	Peters	Tinkham
Davis	Husted	Phelan	Towner
Delaney	Hutchinson	Platt	Treadway
Denison	James	Pratt	Van Dyke
Dooling	Juul	Purnell	Vestal
Dowell	Kennedy, Iowa	Ramsey	Volgt
Dyer	Kennedy, R. I.	Ramseyer	Volstead
Eagan	Kiess, Pa.	Randall	Waldow
Elliott	King	Rankin	Walsh
Ellsworth	Kinkaid	Reavis	Ward
Elston	Knutson	Reed	Wason
Emerson	Kraus	Riordan	Wheeler
Esch	La Follette	Robbins	Williams
Fairchild, B. L.	Longworth	Roberts	Wilson, Ill.
Fairfield	Lufkin	Rodenberg	Winslow
Farr	Lundeen	Rogers	Wood, Ind.
Focht	McAndrews	Sanders, Ind.	Woodyard
Foss	McArthur	Sanders, N. Y.	Young, N. Dak.
Francis	McCormick	Sanford	

NAYS—147.

Almon	Doremus	Key, Ohio	Russell
Ashbrook	Doughton	Kincheloe	Shackleford
Aswell	Drane	Kitchin	Shallenberger
Ayres	Dupré	Larsen	Sherwood
Barkley	Eagle	Lea, Cal.	Shouse
Barnhart	Evans	Lee, Ga.	Sims
Beakes	Ferris	Lever	Slayden
Bell	Fields	Linthicum	Smith, C. B.
Black	Fisher	Lobeck	Snook
Blackmon	French	London	Steagall
Blanton	Gandy	McClintic	Stedman
Booher	Garner	McKeown	Steele
Borland	Garrett, Tenn.	McLemore	Stephens, Miss.
Brand	Garrett, Tex.	Mansfield	Stevenson
Buchanan	Goodwin, Ark.	Martin	Sumners
Burnett	Gordon	Mays	Talbott
Byrnes, S. C.	Gray, Ala.	Montague	Taylor, Ark.
Byrns, Tenn.	Gregg	Oldfield	Taylor, Colo.
Candler, Miss.	Griffin	Oliver, Ala.	Thomas
Cantrill	Hamill	Olney	Thompson
Caraway	Hamlin	O'Shaunessy	Tillman
Carlin	Harrison, Miss.	Overmyer	Venable
Carter, Okla.	Harrison, Va.	Overstreet	Vinson
Claypool	Hastings	Padgett	Walker
Connally, Tex.	Hayden	Park	Walton
Connelly, Kans.	Heflin	Polk	Watkins
Cox	Helvering	Pou	Watson, Va.
Crisp	Hensley	Quin	Weaver
Crosser	Holland	Rainey, H. T.	Welling
Decker	Houston	Rainey, J. W.	Welty
Denton	Huddleston	Raker	Whaley
Dewalt	Hull, Tenn.	Rayburn	White, Ohio
Dickinson	Igoe	Robinson	Wilson, La.
Dixon	Johnson, Ky.	Romjue	Wilson, Tex.
Dominick	Jones	Rouse	Wingo
Donovan	Keating	Rubey	Young, Tex.
Doolittle	Kettner	Rucker	

NOT VOTING—118.

	Flood	Madden	

NOT VOTING—119.

Alexander	Dunn	Kahn	Ragsdale
Austin	Edmonds	Kearns	Rose
Bankhead	Estopinal	Kehoe	Rowe
Beshlin	Fairchild, G. W.	Kelley, Mich.	Rowland
Bowers	Fess	Kelly, Pa.	Sabath
Britten	Flynn	Kreider	Sanders, La.
Brodbeck	Fordney	LaGuardia	Saunders, Va.
Brumbaugh	Foster	Langley	Scott, Pa.
Burroughs	Gard	Lazaro	Sears
Caldwell	Garland	Lehlbach	Sells
Campbell, Pa.	Glass	Lesher	Siegel
Carter, Mass.	Godwin, N. C.	Little	Sisson
Chandler, N. Y.	Gould	Littlepage	Sloan
Clark, Fla.	Graham, Pa.	Lonergan	Small
Clark, Pa.	Greene, Mass.	Lunn	Stephens, Nebr.
Classon	Griest	McKenzie	Sterling, Pa.
Cleary	Hadley	McKinley	Strong
Collier	Hardy	McLaughlin, Pa.	Switzer
Copley	Hayes	Mann	Temple
Costello	Heaton	Mason	Templeton
Currie, Mich.	Heintz	Merritt	Vare
Curry, Cal.	Hicks	Miller, Minn.	Watson, Pa.
Darrow	Hilliard	Miller, Wash.	Webb
Davidson	Hood	Moon	White, Me.
Dempsey	Howard	Neely	Wise
Dent	Humphreys	Nicholls, S. C.	Woods, Iowa
Dies	Ireland	Parker, N. Y.	Wright
Dill	Jacoway	Porter	Zihlman
Dillon	Johnson, S. Dak.	Powers	
Drukker	Johnson, Wash.	Price	

So the motion to recommit was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LAZARO with Mr. HADLEY.

Mr. ALEXANDER with Mr. GREENE of Massachusetts.

Mr. SMALL with Mr. JOHNSON of Washington.

Mr. CLASSON with Mr. NICHOLLS of South Carolina.

Mr. LONERGAN with Mr. BURROUGHS.

Mr. STERLING of Pennsylvania with Mr. AUSTIN.

Mr. BRUMBAUGH with Mr. FORDNEY.

Mr. CLEARY with Mr. CHANDLER of New York.

Mr. DENT with Mr. KAHN.

Mr. KELLY of Pennsylvania with Mr. PORTER.

Mr. LITTLEPAGE with Mr. GRIEST.

Mr. WISE with Mr. LITTLE.

Mr. MADDEN with Mr. McKENZIE.

Mr. SAUNDERS of Virginia with Mr. DALLINGER.

Mr. CALDWELL with Mr. IRELAND.

Mr. STEPHENS of Nebraska with Mr. AUSTIN.

Mr. POLK with Mr. SIEGEL.

Mr. MADDEN. Mr. Speaker, on the roll call on the Randall amendment I voted "nay." I am paired with my colleague, Mr. McKENZIE, and I desire to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

Mr. CANDLER of Mississippi. Mr. Speaker, in accordance with the direction of the House, I report the bill back with the amendment described in the motion to recommit, and move the passage of the bill as amended.

The SPEAKER. The question is on the passage of the bill.

Mr. CANDLER of Mississippi and Mr. HEFLIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 232, nays 64, answered "present" 6, not voting 128, as follows:

YEAS—232.

Almon	Ellsworth	Lee, Ga.	Sanders, N. Y.
Anderson	Elston	Lever	Schall
Anthony	Emerson	Littlepage	Scott, Iowa
Ashbrook	Esch	Lobeck	Scott, Mich.
Aswell	Fairfield	London	Shackleford
Ayres	Farr	Lufkin	Shallenberger
Bacharach	Ferris	Lundeen	Sherwood
Baer	Fisher	McClintic	Shouse
Barkley	Foss	McCulloch	Sims
Barnhart	Frear	McFadden	Sinnott
Beakes	French	McKeown	Slemp
Bell	Fuller, Ill.	McLaughlin, Mich.	Smith, Idaho
Black	Gandy	Magee	Smith, Mich.
Blackmon	Garrett, Tex.	Mansfield	Snell
Bland	Glynn	Mapes	Snook
Blanton	Good	Mays	Steagall
Booher	Goodall	Mondell	Stedman
Borland	Goodwin, Ark.	Montague	Steenerson
Brand	Graham, Ill.	Morgan	Stephens, Miss.
Browne	Gray, Ala.	Mott	Sterling, Ill.
Browning	Green, Iowa	Mudd	Stevenson
Brumbaugh	Gregg	Nelson	Stiness
Buchanan	Hamilton, Mich.	Nicholls, S. C.	Sumners
Burnett	Hamilton, N. Y.	Nichols, Mich.	Sweet
Butler	Hamlin	Norton	Switzer
Byrnes, S. C.	Harrison, Miss.	Oldfield	Taylor, Ark.
Byrns, Tenn.	Harrison, Va.	Oliver, Ala.	Taylor, Colo.
Campbell, Kans.	Hastings	Olney	Thomas
Candler, Miss.	Haugen	Osborne	Thompson
Cannon	Hawley	Overmyer	Tillman
Cantrill	Hayden	Overstreet	Timberlake
Caraway	Heflin	Padgett	Towner
Carlin	Helm	Paige	Treadway
Chandler, Okla.	Helvering	Park	Van Dyke
Claypool	Hersey	Peters	Vestal
Connally, Tex.	Holland	Platt	Vinson
Connelly, Kans.	Hollingsworth	Pou	Volstead
Cooper, Ohio	Houston	Pratt	Walker
Cooper, W. Va.	Huddleston	Purnell	Walsh
Cooper, Wis.	Hull, Tenn.	Quin	Walton
Cox	Husted	Rainey, H. T.	Wason
Cramton	Hutchinson	Raker	Watkins
Crisp	James	Ramseyer	Watson, Va.
Crosser	Johnson, Ky.	Randall	Weaver
Dale, Vt.	Jones	Rankin	Welling
Dallinger	Keating	Rayburn	Welty
Davis	Kennedy, Iowa	Reavis	Whaley
Decker	Kettner	Reed	Wheeler
Denton	Key, Ohio	Robbins	White, Ohio
Dickinson	Kiess, Pa.	Roberts	Williams
Dixon	Kincheloe	Robinson	Wilson, Ill.
Dominick	King	Rodenberg	Wilson, La.
Doolittle	Kinkaid	Rogers	Wingo
Doughton	Kitchin	Romjue	Winslow
Dowell	Knutson	Rouse	Wood, Ind.
Drane	Kraus	Rubey	Woodyard
Eagle	La Follette	Russell	Young, N. Dak.
Elliott	Larsen	Sanders, Ind.	Young, Tex.

NAYS—64.

Carew	Gallagher	McCormick	Sherley
Cary	Gallivan	McLemore	Smith, C. B.
Cleary	Garland	Maher	Smith, T. F.
Coady	Garner	Meeker	Snyder
Dale, N. Y.	Garrett, Tenn.	Moore, Pa.	Stafford
Delaney	Gray, N. J.	Moores, Ind.	Steele
Denison	Griffin	Morin	Sullivan
Dewalt	Hamill	Nolan	Swift
Donovan	Haskell	Oliver, N. Y.	Tague
Dooling	Igoe	O'Shaunessy	Talbott
Dupré	Kennedy, R. I.	Parker, N. J.	Tilson
Dyer	Lea, Cal.	Phelan	Tinkham
Eagan	Linthicum	Rainey, J. W.	Voigt
Fairchild, B. L.	Longworth	Ramsey	Waldow
Francis	McAndrews	Riordan	Ward
Freeman	McArthur	Scully	Wilson, Tex.

ANSWERED "PRESENT"—6.

Crago	Flood	Juul	Madden
Evans	Hensley		

NOT VOTING—128.

Alexander	Dempsey	Graham, Pa.	Kreider
Austin	Dent	Greene, Mass.	LaGuardia
Bankhead	Dies	Greene, Vt.	Langley
Beshlin	Dill	Griest	Lazaro
Bowers	Dillon	Hadley	Lehlbach
Britten	Doremus	Hardy	Lesher
Brodbeck	Drukker	Hayes	Little
Burroughs	Dunn	Heaton	Lonergan
Caldwell	Edmonds	Heintz	Lunn
Campbell, Pa.	Estopinal	Hicks	McKenzie
Carter, Mass.	Fairchild, G. W.	Hilliard	McKinley
Carter, Okla.	Fess	Hood	McLaughlin, Pa.
Chandler, N. Y.	Fields	Howard	Mann
Church	Flynn	Hull, Iowa	Martin
Clark, Fla.	Focht	Humphreys	Mason
Clark, Pa.	Fordney	Ireland	Merritt
Classon	Foster	Jacoway	Miller, Minn.
Collier	Fuller, Mass.	Johnson, S. Dak.	Miller, Wash.
Copley	Gard	Johnson, Wash.	Moon
Costello	Gillett	Kahn	Neely
Currie, Mich.	Glass	Kearns	Parker, N. Y.
Curry, Cal.	Godwin, N. C.	Kehoe	Polk
Darrow	Gordon	Kelley, Mich.	Porter
Davidson	Gould	Kelly, Pa.	Powers
Price	Sanford	Sloan	Venable
Ragsdale	Saunders, Va.	Small	Watson, Pa.
Rose	Scott, Pa.	Stephens, Nebr.	Webb
Rowe	Sears	Sterling, Pa.	White, Me.
Rowland	Sells	Strong	Wise
Rucker	Siegel	Temple	Woods, Iowa
Sabath	Sisson	Templeton	Wright
Sanders, La.	Slayden	Vare	Zihlman

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARTER of Oklahoma with Mr. FORDNEY.

Mr. CHURCH with Mr. CHANDLER of New York.

Mr. SAUNDERS of Virginia with Mr. FOCHT.

Mr. DOREMUS with Mr. FULLER of Massachusetts.

Mr. FIELDS with Mr. GILLETT.

Mr. GORDON with Mr. GREENE of Vermont.

Mr. MARTIN with Mr. HULL of Iowa.

Mr. RUCKER with Mr. GRIEST.

Mr. VENABLE with Mr. CLASSON.

Mr. SLAYDEN with Mr. SANFORD.

Mr. EVANS. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. EVANS. I was not.

The SPEAKER. Then the gentleman can not vote.

Mr. EVANS. Then I desire to be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. EVANS, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. CANDLER of Mississippi, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LONERGAN for four days, on account of important business.

EXTENSION OF REMARKS.

Mr. McARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill just passed.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD on the subject of the bill just passed. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill just passed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. HENRY T. RAINEY. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CHARLES A. CAREY (H. REPT. NO. 553, PT. 2).

Mr. ROGERS. Mr. Speaker, I desire to make a request for unanimous consent. On May 10 the Committee on Claims reported favorably to the House the bill (H. R. 3820) for the relief of Charles A. Carey. On May 15 a member of the committee—Mr. BLANTON, of Texas—filed minority views on the ground that the evidence before the committee had not been, in his judgment, sufficient to warrant a favorable report. Since that occurred I have secured from the files of a previous Congress the affidavits and evidence submitted in the Sixty-fourth Congress in support of the bill and have exhibited them to Mr. BLANTON, who is now satisfied to withdraw the minority views. I ask unanimous consent, therefore, that that may be done.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that Mr. BLANTON be permitted to withdraw his minority report on the bill named. Is there objection?

There was no objection.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask for the appointment of conferees. I ask unanimous consent to take from the Speaker's table the bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table House bill 8496, a pension bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY.

Mr. RUSSELL. Mr. Speaker, there were seven other bills of the same character in the same situation. I ask for the same order in the case of the bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 10850) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and the bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. These are all House bills with Senate amendments?

Mr. RUSSELL. Yes; they are all omnibus House pension bills with Senate amendments.

The SPEAKER. The gentleman asks unanimous consent to take all these bills from the Speaker's table, disagree to all the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House on all the foregoing bills Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY.

EXPLORATION FOR COAL, PHOSPHATE, OIL, AND GAS.

Mr. FERRIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 2812, to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and, pending that, I want to see if I can agree with the ranking Member on the other side as to the time for general debate. I would suggest, Mr. Speaker, after conversation with the gentleman from Washington [Mr. LA FOLLETTE], that we have an hour and a half of general debate, 45 minutes on either side, and that the debate be confined to the bill.

The SPEAKER. The gentleman from Oklahoma moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 2812, and, pending that, he asks unanimous consent that general debate be limited to an hour and a half. Is there objection?

Mr. NORTON. I reserve the right to object.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, which I do not intend to do, I would like to ask the gentleman if, in case this consent is given, he expects to complete the general debate to-night and then take up the bill under the five-minute rule to-morrow?

Mr. FERRIS. That is the intention.

Mr. MADDEN. If that is the plan, I will serve notice on the gentleman now that I shall object.

Mr. FERRIS. Why?

Mr. MADDEN. It is too important a bill to dispose of in such a short time. Opportunity should be given to study it. Members can not give careful study to everything. There ought to be opportunity given for full consideration. There are a lot of people who can not study everything, and this is one of the things I have not had a chance to study.

Mr. FERRIS. Let me suggest to the gentleman—I think it will appeal to him—that this bill has twice passed the House after almost endless discussion and consideration. If we announce now a long general debate, three or four hours, the Chair will at once be vacated. After a conference with Members on that side and also on my own side, I thought we would have a short general debate and then be liberal under the five-minute rule, where we get real consideration and can give some information to the House.

Mr. MADDEN. That puts it entirely into the hands of the gentleman from Oklahoma. When we get into the consideration of the bill under the five-minute rule, if some gentleman wants to get 5 or 10 minutes on a question of real importance, the gentleman may say, "I object."

Mr. FERRIS. I am just stating to the gentleman that we do not propose to do anything of that kind.

Mr. MADDEN. If I have the assurance of the gentleman that he will open his mind and be liberal, for once [laughter]——

Mr. FERRIS. Certainly. The gentleman ought not to say that. I have always been so liberal that sometimes the House has felt like throwing us out for using so much time.

Mr. CARTER of Oklahoma. The gentleman from Illinois can still resort to his prerogative of calling attention to the absence of a quorum, can he not? [Laughter.]

Mr. MADDEN. I really do not know much about the rules of the House. [Laughter.]

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, still reserving the right to object, can we have the assurance of the gentleman from Oklahoma and the leader of the majority that no other business will be considered this afternoon except general debate on this bill?

Mr. FERRIS. After having a conversation with the majority leader, that was the suggestion he made, and I gladly carry that out.

The SPEAKER. Is there objection?

Mr. MADDEN. Still further reserving the right to object, after the committee determines to rise, and other gentlemen who are not particularly interested in the general debate have gone away to attend to some other important business——

A MEMBER. Or go to the ball game. [Laughter.]

Mr. MADDEN. No; no ball game—is there any danger of some one taking snap judgment in their absence and asking for the transaction of some important business in the absence of Members?

Mr. FERRIS. No; if the gentleman insists upon it I will then move to adjourn.

Mr. MADDEN. That will be all right.

Mr. NORTON. I have been hoping to get 20 minutes under general debate to speak on subjects not strictly pertaining to the bill. Does the gentleman say that to-morrow there will be an opportunity to get about 10 minutes?

Mr. FERRIS. I hope the gentleman will not make us vary from the rule. If we begin to talk generally on other subjects than the bill, I think the gentleman himself realizes that we may run very far afield, and Members on both sides have desired to talk a short time about the bill and then get it out of the way. I hope the gentleman will not insist.

Mr. STAFFORD. There are several appropriation bills awaiting consideration.

Mr. FERRIS. There are a lot of them coming along. The military bill, carrying $9,000,000,000, will be up for consideration Monday, and a deficiency bill, on which debate will be more in order than it is on one of these bills.

Mr. CRAMTON. This is really an emergency measure, and a number of Members have foregone speeches in order to hasten its consideration.

Mr. NORTON. I sincerely trust that the gentleman is not one of those who have foregone making a speech, because it is always so delightful and pleasant to hear from the gentleman.

The SPEAKER. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, with Mr. DEWALT in the chair.

The Clerk read the title of the bill.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I yield to myself not exceeding 10 minutes.

This bill, or one very much like it, has twice passed the House of Representatives after very long and extended consideration. It received on both occasions the very closest scrutiny. Amendments of all sorts were offered and voted upon, and it was given the very closest sort of attention. It went to the Senate. It was there loaded up with amendments, but on former occasions did not pass the Senate. This time the Senate passed this bill

(S. 2812) first, and it came over here last December. The House committee at once began to consider it, to try to perfect the bill. It has been a very painful task to try to get a bill that would meet the fancies and the ideas of all the people who were interested in it. The Secretary of the Interior, who is the general administrator of the public lands—so he, of course, was keenly interested in it—has been using diligence to at all times maintain the public interest. The Navy Department having three naval reserves out there withdrawn by Executive order, they, too, were interested in it; they have been diligently trying to conserve the oil for the Navy. The Department of Justice have 55 suits out there; they, too, were interested in it; they were striving to protect the Government's interest. The Committee on the Public Lands invited these three departments to bring their representatives down to our committee, sit there with us, make suggestions to us, work with us, and help us to perfect a bill that would protect the Government interests and do justice all around. The Committee on the Public Lands, too, have been tireless in their efforts; no selfishness or sordid considerations have ever crept in. Two or three times during the progress of this bill in the committee it was thought that we would not be able to report any bill. I was not sure that we would get a bill that would harmonize all these various departments. The committee had a great deal of trouble in arriving at a just conclusion. At last we came to the agreement to strike out every line of the Senate bill and put up a new bill. The bill as it stands has the support of the Public Lands Committee, as well as the support of the three departments—the Department of Justice, the Navy Department, and the Interior Department. I do not want to be vain either for myself or my committee, but it is entitled to be said that the committee has been faithful, and I believe in all things faithful to the public interest and all concerned.

It is true the oil claimants desire much more. They claim scant justice only has been done, but I think they will agree no advocates of any legislation ever had a more patient or faithful hearing.

There are vast interests in the West interested in this matter. Many oil men have gone out on the public domain and developed oil. A good many of them claim that the bill does scant justice to them, and I think that is the opinion of most of them. Many good men in and out of Congress think the bill does scant justice to them, and good men on the committee think that the bill does scant justice to them. But these are war times, and we are trying to conserve oil for the Navy, oil for the public, and no one can now be tolerated to be harsh with his Government. The Department of Justice is fighting for every right which the Government has, and if we have given the oil men scant justice it is the best the committee can do and the best the department can do and the best and only thing that we can get together on, and here it is in the bill we are presenting to you as a substitute for Senate bill 2812.

The Nation is still rich in natural resources. We have in the United States and in Alaska, roughly speaking, about 700,000,000 acres of public land, some of it hills and rocks and worthless, and some of it pretty good land, dry land, and land that can be used at least for wholesome purposes. We have 367,000,000 acres of forest reserve, administered by the Forestry Department. We have, roughly, 50,000,000 acres of coal lands, thirty or forty million acres of which are valuable for coal, and some not known as valuable. We have 6,400,000 acres of oil land, some of it producing oil and some none, and some of it probably worthless. No one can say what is in the rest of the 700,000,000 acres of Government land. It may have oil, but the rotary drill and the industrious oil man are the only ones to determine that.

The first eight sections of the bill deal with the leasing of coal. Sections 9 to 14, inclusive, deal with oil, and sections 15 to 17 deal with phosphates. We have a provision here for the leasing of Alaskan oil lands. They have found a little oil up in Alaska, and for 20 years they have been nibbling away trying to first get some oil, then some legislation. Some have produced five barrels a day and some a little more and some not a barrel. We have put in a provision making it a little more liberal than we do for the States, on account of the distance from market, the long winters, and the climatic conditions. The Alaskan people have been consulted about it, and the departments have drafted it and agreed to it. The committee have combed it over and have agreed to it. It is here for your consideration. We think it will bring development and good results. We think Alaska entitled to it.

We have a provision here for shale. They have found in Utah, Colorado, and Wyoming a material called oil shale, a rock proposition, which they can grind and from which refine oil—about 40 gallons to the ton. It is a sandstone rock, and there seems to be an inexhaustible supply of it. We have put a provision in the bill for developing that, from which we expect good results. It is here for your consideration. The departments favor it. We of the committee favor it.

There is a great oil shortage in the West, especially on the Pacific coast, and they would like to have this bill passed. The Interior Department feels the necessity of its early passage. Secretary Lane has appealed to me to hurry it up. The President of the United States has urged it for five years, Secretary Lane has urged it for five years, and the President referred to it in his message urging Congress to pass the bill, and your committee feel that they are entitled to a little credit for working and struggling for two or three months to get the bill satisfactory to all three departments and satisfactory to the committee. I do not think it is in all things satisfactory to the committee; some of the members of the committee think we do not do enough for the oil men and some feel very strongly about it, but they have swallowed their pride and got behind it and agreed to let the bill be reported and passed. They are entitled to much credit for that. Some of them fought to the last. It is the best we can do. It is all we can do. Here it is.

I do not think I have anything further to offer unless some gentleman wishes to ask a question.

Mr. NORTON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. NORTON. In a case where a homesteader owns the surface right, is there any preference right given him to lease the coal and oil that lies beneath the surface?

Mr. FERRIS. That provision, as I recall, was not agreed to. It was offered and urged.

Mr. MONDELL. There is a provision in the bill—perhaps the gentleman has forgotten about it—giving these men certain relief. It is a section near the end of the bill. It gives him relief under certain limited conditions.

Mr. NORTON. I think such a preference ought to be given.

Mr. DENISON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. DENISON. The gentleman says that three departments were interested in the bill. Was not the last bill passed by the other body approved by those departments?

Mr. FERRIS. I think not; but I do not want to get into a controversy about that.

Mr. DENISON. Will the gentleman state the principal difference between the bill passed by the Senate and the House bill now?

Mr. FERRIS. Our bill, to make a broad statement, is very much more restrictive than the Senate bill. It does not grant so wide and sweeping provisions to the oil men as the Senate bill. Our bill limits the acreage, the number of permits, higher royalties for the Government, greater regulation, and more safeguards than the Senate bill. There is quite a marked difference between the bills all the way through.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. We passed a mining bill in the House some time ago, in which an appropriation was asked for $50,000,000, but it was cut to $10,000,000. Is there any conflict between that bill and this bill?

Mr. FERRIS. No; I think not. This bill does not carry any appropriation.

Mr. MOORE of Pennsylvania. Is there any duplication between this bill and that bill?

Mr. FERRIS. I do not think so. That bill came from the Committee on Mines and Mining.

Mr. MOORE of Pennsylvania. I wondered, then, why that bill did not come from this committee.

Mr. FERRIS. I understood that that bill was drafted by the Bureau of Mines, and for some reason or other it was referred to the Committee on Mines and Mining.

Mr. MOORE of Pennsylvania. Both bills originated with the Department of the Interior, but the gentleman from Oklahoma has gone over the bill very carefully, and he does not think that it creates any new agency in the mining bill made unnecessary by the passage of this bill.

Mr. FERRIS. I am not able to give the gentleman the best information about that. I am not very familiar with that bill, but I understand it is regulatory of mining operations and does not deal with these matters of disposition—leasing, development, and so forth. I repeat, I do not claim to have great familiarity with that bill. This, in a word, merely supplants the old antiquated placer law, that is out of date, and the old coal law, passed in 1873, which everyone recognizes needed some attention, and furnishes to the miners, the Government, and to the people a new leasing system, where the Government gets a royalty on everything that is produced, where monopoly can be con-

trolled, where the miner's rights will be made certain, and to get rid of litigation, strife, and so forth.

Mr. MOORE of Pennsylvania. It brings everything in the matter of legislation up to date?

Mr. FERRIS. It does, and makes a uniform system of all these oil leases.

Mr. MOORE of Pennsylvania. The bill deals with the encouragement, promotion, and mining of coal, phosphate, oil, gas, sodium on the public domain?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. I presume it would cover a great deal of the jurisdiction that we conferred in the mining bill over similar products.

Mr. FERRIS. The gentleman may be right about that, although that bill, as I understand it, has nothing to do with the disposition of minerals. It had to do with the regulation of mines and mining, but had nothing to do with the final disposal of mineral wealth.

Mr. MOORE of Pennsylvania. In the consideration of the bill S. 2812, the bill under consideration, was consideration given to the mining bill?

Mr. FERRIS. Not at all.

Mr. MOORE of Pennsylvania. By contrast or comparison?

Mr. FERRIS. Not at all. This bill originated, as the gentleman knows, five years ago, and this bill passed then with the approval of the House, and in the next Congress—the Sixty-fourth Congress—it passed again and then went to the Senate, where a lot of amendments were put on that killed the bill.

Mr. MOORE of Pennsylvania. We have two committees—the Committee on the Public Lands, which is an old committee, which has had jurisdiction of this particular matter for some five years, as the gentleman indicated, and we have a comparatively new committee, the Committee on Mines and Mining, which has entered the field which, to a certain extent, appears to have been covered by the Committee on the Public Lands. I want to call attention to that fact in passing.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. Some time ago I received a brief from some one who seems to think this is a very bad bill.

Mr. FERRIS. I received one myself.

Mr. MADDEN. I do not know anything about the merits of the statement that the brief makes; in fact, I may say that I have not read it with any degree of care, but I would like to get the opinion of the gentleman as to what the facts are with respect to the statements in the brief.

Mr. FERRIS. I read that brief. One oil company circularized the House on the bill, and if the gentleman will read those briefs carefully he will see that most of what they have to say was about the Senate bill.

Mr. MADDEN. They talk about Mr. FERRIS and the Ferris bill.

Mr. FERRIS. I understand. One of the criticisms they made was that we did not give the oil operator a large enough area in our bill.

Mr. MADDEN. That is to say, you compelled him to invest his money in an enterprise that would soon be worked out.

Mr. FERRIS. That was the main criticism, and they said in their brief that the fact that we held down the acreage so small was iniquitous in the fact that they said we did not allow a chance for another company to build and become a competitor of the Standard Oil Co. Of course, I am speaking from memory—I do not have the brief before me—that was it as I remember it.

Mr. MADDEN. Their idea was that if you gave one concern all there is they could compete with the Standard Oil Co.

Mr. FERRIS. That was the trend of their arguments as I now recall it.

Mr. MADDEN. I really did not know just what they claimed.

Mr. FERRIS. That was the objection to our bill. Then they made a lot of serious objections to the Senate bill and we have stricken out the Senate bill.

Mr. MADDEN. The royalties charged in this bill are higher than in the Senate bill.

Mr. FERRIS. We fixed it as we did before, at a minimum of one-eighth and no maximum. The department can go as high as it desires to do. In the Senate bill they had a maximum fixed at one-eighth, and they could not go beyond that.

Mr. MADDEN. That was the maximum and minimum?

Mr. FERRIS. Yes.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. ROBBINS. In looking over this bill I observe, of course, it applies only to the public domain, hence it would not interest those of us who come from the East, except I see in a way that it regulates coal leases. The bill makes it possible to grant a lease for 2,560 acres in amount. Who is to fix the size of these leases?

Mr. FERRIS. The Interior Department.

Mr. ROBBINS. And who determines the royalty that is payable to the Government under the coal leases?

Mr. FERRIS. That is done by contractual relations between the lessee and the lessor. The lessor will be the Interior Department and the lessee will be the mine operator.

Mr. ROBBINS. In preparing a coal lease there are many elements that enter into it other than the size of the lease and the royalty.

Mr. FERRIS. Undoubtedly.

Mr. ROBBINS. The amount that is to be taken out of the acreage, and the details of the lease, the minimum output, the yield, and so forth, must be determined.

Mr. FERRIS. It is done in this way, as I understand it. We have gone into that at great length with the Geological Survey, the Bureau of Mines, and different Interior Department officers. The Interior Department, the Geological Survey, and the Bureau of Mines will have blocked this off in blocks. They have, roughly, about 53,000,000 acres of coal land. They will cut it into blocks ranging in area from 40 to 2,560 acres, and any prospective lessee may come in and apply for these lands if it looks attractive to him. If it does not, he need not take it. If he does get a tract awarded to him, they enter into a contract as to what the royalty shall be, and as to the life of the lease, as to the policy they may pursue in developing the mine, and all the rules and regulations that the department and the lessee may agree upon.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. I will use two more minutes.

Mr. ROBBINS. I desire to finish this thought. I want the gentleman to explain this, because it relates to the production of coal, which is the most valuable and has the most certain element of value of all these lands.

Mr. FERRIS. Well, I do not know about that.

Mr. ROBBINS. I said certain elements.

Mr. FERRIS. The oil is very valuable; of course coal is, too.

Mr. ROBBINS. They are both worked out on the same general line. Then the Secretary of the Interior divides that, and then after the lease is entered into or before——

Mr. FERRIS. No; the Secretary of the Interior has 6,400,000 acres of oil land, while he has here 53,000,000 acres of coal land. He cuts it up in blocks as the Geological Survey thinks are proper blocks to offer. Then they are offered by competitive bidding or otherwise to anyone who cares to go in and develop it. The oil prospector, the coal developer, comes and makes the application for a certain one of these blocks not exceeding 2,560 acres. They enter into a contractual relation, which is stated in the lease or development contract. He need not take it, but he knows at the time exactly what he is getting. The Interior Department prescribes rules and regulations, subject to such regulations as are prescribed in the bill, for the purpose of development.

Mr. ROBBINS. And the lessee can never obtain title?

Mr. FERRIS. No; this is a leasing proposition.

Mr. ROBBINS. It is a leasing proposition altogether, both as to coal and oil?

Mr. FERRIS. Yes; as to oil in toto and as to coal in part. We do not repeal the old coal-land law. I do not think it is of much value on the books, but I think the leasing law will in fact completely supplant it, but for the benefit of tradition and for the benefit of some strong longings out there for patents we will leave the old coal-land law intact.

Mr. ROBBINS. So there is a way by which they can obtain fee to coal lands subject to certain regulations as to——

Mr. FERRIS. That is true. We leave the old system intact, and as to oil we repeal the placer law in toto.

Mr. ROBBINS. I have also the brief referred to by the gentleman from Illinois, telling me of great complaint about the size of these oil leases.

Mr. LONGWORTH. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. I yield myself two more minutes in order to answer the gentleman from Ohio.

Mr. LONGWORTH. I recall some years ago, I think during President Taft's administration, some serious difficulty about these oil leases in California.

Mr. FERRIS. That is true.

Mr. LONGWORTH. And he was compelled, I think, to make several Executive orders. Is this bill intended to relieve that situation?

Mr. FERRIS. It deals with that situation. This is what happened. I will take a minute or so on that, because most of our hearings were about that very thing. Under the old placer law, which is still the law, eight men could post notices, go and take 160 acres of oil land, or, in reality, 20 acres apiece, and go on taking one tract after another. They could take 500 tracts of 160 acres each and keep taking one after another, and they were proceeding to do that thing. President Taft stepped in and by an Executive order withdrew the great areas of that land we have there, particularly those of the naval reserve, which was being slipped away under this patenting process where a few men were taking up the whole domain. What happened was this: Some very good men in perfect good faith and with an anxiety to develop oil spent perfectly good money in the development of oil. Some had spent hundreds of thousands of dollars to bring water to the land; others had spent thousands of dollars in order to make roads to drill wells. Some were on the verge of getting oil. This withdrawal cut their heads off. These oil men, honestly and honorably and in perfectly good faith, have been trying to get Congress to relieve them, and while the gentleman from Wyoming [Mr. MONDELL] was chairman of the committee and I was a member way down at the tail end of the table, we passed an act which we thought would give them relief, and that is what is known as the Pickett law. It was a withdrawal act giving the President full power to withdraw and to protect the rights of those men acting under good faith, but by the rulings and instructions of the department in carrying out the Pickett law that law did not prove to be a blessing, as we thought, but proved to be a hindrance and an obstruction.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Michigan. Will the gentleman yield for one question?

Mr. FERRIS. I am afraid I am abusing the patience of the House.

Mr. SMITH of Michigan. I just want to ask one question.

Mr. FERRIS. I will yield myself a couple of more minutes. I do not wish to monopolize the time here. I only expected to speak for 10 minutes. I yield to the gentleman.

Mr. SMITH of Michigan. Is it contemplated by this bill that coal production will be increased for the next coming winter in any way?

Mr. FERRIS. I do not know whether or not it will have that effect that soon, if the gentleman will pardon me, but it will certainly give us a better chance to get coal, and it is in the right direction and I hope relief may come as soon as that.

Mr. ELSTON. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. ELSTON. The gentleman said in the application of the association for the right to locate mineral oil land that the lands were passing into the hands of very few persons and presumably monopolists. I assume that was under the privilege by which these associations could locate indefinitely, as the gentleman says. Now, that same right under the placer-mining law applies to the location of gold and other precious minerals other than oil, does it not?

Mr. FERRIS. Coal——

Mr. ELSTON. I said gold.

Mr. FERRIS. Oh, yes; that is true. I thought the gentleman said "coal."

Mr. ELSTON. The placer-mining law at present applies to gold and other precious minerals to the unlimited extent the gentleman says it applies to oil which this act would remove.

Mr. FERRIS. That is very true.

Mr. ELSTON. Now, does the gentleman think that the application of that right to locate by association group has resulted in the grouping of all the mineral lands or claims in the hands of a very few, and would the gentleman say in passing that that is true in regard to the oil location?

Mr. FERRIS. I think so as to oil; not true as to gold and so-called precious metals.

Mr. ELSTON. In California, for instance, will the gentleman say that the situation there, so far as the ownership of oil lands is concerned, went into a monopoly held by reason of this privilege granted in a group location?

Mr. FERRIS. I think it was traveling in that direction very fast.

Mr. ELSTON. The gentleman recalls that the Standard Oil Co., for instance, have holdings in proportion of a very slight percentage?

Mr. FERRIS. The Standard Oil appears in very many places and in very many forms, and we do not always know the Standard Oil when we meet it face to face; and I do not want to take any chances on meeting it in disguise.

Mr. ELSTON. I am sure the gentleman is mistaken in his statements that practically the whole of the public domain, so far as mineral oil is concerned, was being grouped in one or two large owners.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FERRIS. I will yield myself two minutes more.

The gentleman from California [Mr. ELSTON] knows a great deal about the oil business in the West to-day, possibly more than I do. But if any law permits eight men, by any sort of process or reasoning or application, to get the whole country, the very fact that it permits it to be done, if it is known to be valuable for oil, will cause it to be done. I am such a firm believer in human nature that I believe that any law so framed is both unwise and dangerous. I object to the placer law from A to Z, and so far as it applies to oil lands it never has had any proper application to the oil. It does not fit. It is a razor that does not shave. It ought to have been repealed before this muddle came. Oil came suddenly and without much preparation. It may have been the best that could be done with the lights before them. It certainly does not have any application to oil.

Mr. LONGWORTH. And was there no way to relieve the situation under the law except by withdrawing it altogether?

Mr. FERRIS. That is all.

Mr. CRAMTON. While it is not very likely that this bill will have any great effect upon the coal situation at an early date, I will ask the gentleman if it is not a fact that it is hoped by untangling the troubles in the West in the oil situation a very decided improvement in the oil situation may be secured and that much new development may be obtained, and thereby the threatened oil famine perhaps averted?

Mr. FERRIS. I think the gentleman has stated it fairly and squarely, and very truthfully.

Mr. CRAMTON. And that is really, at this critical time, the most important feature of the situation.

Mr. FERRIS. I think that is true; and I hope the committee have accomplished a great deal, and I think they have.

Mr. Chairman, I reserve any more time that I may have remaining.

The CHAIRMAN. The gentleman from Oklahoma has 22 minutes left.

Mr. FERRIS. I think it advisable to print herewith my report on this bill. I think it has value for the record.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, having had under consideration the bill (S. 2812) to authorize exploration for and disposition of coal, phosphate, oil, oil shales, or gas, after due and careful consideration thereof, recommends that the bill as herein amended do pass. Senate bill 2812 passed the Senate January 7, 1918, and was referred to the Committee on the Public Lands January 9, 1918. Extended hearings were had on S. 2812, and your committee recommends the striking out of all after the enacting clause and inserting in lieu thereof the following:

* * * * * * *

It will be remembered that this legislation has been before Congress actively for the last five years. It will also be remembered that legislation on this subject has twice passed the House without a dissenting vote after full and free consideration of each and every paragraph of the bill. It will be observed that the present House committee substitute follows very closely House bill 3232, which is now on the House Calendar, reported this session of Congress, and which is identical with House bill 406, Sixty-fourth Congress, first session, and is almost identical with House bill 16136, Sixty-third Congress, second session.

GENERAL STATEMENT.

This Nation is rich in mineral resources, but for want of adequate legislation too many of our resources are now in a state of nonuse. Existing laws which have become antiquated and out of joint with present-day conditions need a general overhauling. In fact, a system of laws is demanded that are applicable, that are workable, and that will open and develop the West. Such we believe would be accomplished by the enactment of the substitute under consideration It in all things supplants the existing patenting of oil lands and other valuable minerals and substitutes therefor a leasing system controlled by the Federal Government and in the public interest.

This mineral-leasing bill affords a method of leasing on a royalty basis the deposits of mineral fuels and mineral fertilizers, the "public-utility" minerals, contained in the public lands of the United States.

The committee substitute for Senate bill 2812 affords an ample method of leasing to prospective developers on a royalty basis the deposits of mineral fuels contained in the public lands of the United States. Exclusive of coal, this measure applies to the public lands of Alaska as well as the United States proper. There being on the statute books a coal law especially enacted for Alaska, it was thought inadvisable to make this law applicable to Alaska.

The best estimate of the Interior Department discloses that there are approximately 330,000,000 acres of public lands in continental United States and approximately 370,000,000 acres in Alaska, or a grand total of 700,000,000 acres in all. These figures are only approximately correct, due to the fact that entries are constantly being made and lands constantly being relinquished, causing the figures to vary from time to time.

COAL.

The first eight sections of the bill under consideration, coupled with general regulatory provisions appearing later in the measure, deal with coal. Of the 330,000,000 acres of public lands in continental United States, 43,700,000 acres are now withdrawn as unclassified coal lands.

Not all of this area, however, is known to be chiefly valuable for coal and, as classification continues, lands are both eliminated and new tracts included in the coal area. Twenty-five million five hundred thousand acres have already been classified as coal lands. The best available estimate shows that there are from 35,000,000 to 40,000,000 acres of public lands in the United States known to be valuable for coal. The best rough estimate on tonnage is 10,000,000,000 tons bituminous, 30,000,000,000 tons subbituminous, and 50,000,000,000 tons of lignite coal in public ownership in accessible areas, while a rough estimate of the total tonnage for the public-land States, exclusive of Alaska, would be 450,000,000,000 tons, and about 150,000,000,000 tons under private ownership in the Western States, or a total of approximately 600,000,000,000 tons of coal in all.

Method of disposition: Prior to 1873 coal lands were subject to entry under the agricultural land laws, and under this method then and later much of the land went into private ownership, only to find its way into the holdings of the coal trusts, which in turn were ready to, and did, practice extortion on the consumers. Much of the remaining areas of coal lands slipped away in land grants to railroad, wagon road, and other companies. To give one an idea of the enormous areas that have passed into private ownership in this manner it is sufficient to say that 159,125,734 acres of the public domain were granted alone to railroad companies to encourage them in railroad building, to say nothing of the other large areas granted outright to similar enterprises, and these grants include millions of acres of the very best coal lands.

Under the law of 1873 little effort was made to protect the public interest or the rights of the public, and through lack of classification immense areas of coal lands were acquired by individuals and corporations through more or less fraudulent means. While the present system is an improvement over the old methods, it is still unsatisfactory in many respects and in some ways inapplicable to present-day conditions. The demand for better laws to encourage development and prevent speculation is general. The leasing plan will meet this demand and at the same time safeguard all public interests.

Since 1907 coal purchases are made pursuant to prices fixed by the Geological Survey, under regulations approved by the Secretary of the Interior.

From March 3, 1873, to June 30, 1917, only 4,267 coal entries, aggregating 610,516 acres, have been made.

It must be observed that, as enormous as these figures seem, there are yet, without doubt, beds of coal other than those to which reference has been made, possibly containing large areas and considerable tonnage.

Present coal laws not workable: The coal industry is perhaps one of the greatest subjects of monopoly known to minerals, unless it be oil or water power. The present law which permits the fee to pass to railroads, to monopolies, or anyone who would buy it, has worked a great hardship on the consumer and one which can not be undone by the present or many of the generations that are to follow.

The existing laws have permitted the coal near markets and railroad facilities to pass into private ownership and into the hands of the trusts, which are practicing extortion in several Western States to a degree almost inconceivable. The mining of coal may well be termed a rich man's business, and, though the bowels of the earth be laden with coal in the more remote areas, the present law offers nothing workable and no protection to those who would press back into the less accessible fields and open new mines to compete with the mines more favorably situated on lands that are now under private ownership. Much of the land that was acquired by grant, or by acquisition under laws other than coal-land laws, under conditions where little or nothing was paid for it, is either being held for speculation or is now being operated under methods of extortion, and unreasonable prices are being pressed down upon the consumers. Other vast areas of valuable coal lands, exclusive of railroad grants and the like, crept away under preemption, homestead, desert-land, timber, and stone laws, and even scrip locations These areas in turn speedily passed into the hands of the few as a result of dummy entries, prearrangement, and fraud. None but the selfish was favored by this policy—all suffered but the favored few. The policy of the past will do naught but serve the selfish ends of present large corporate holders of coal lands, encourage and benefit the selfish holders, while it hampers and impedes progress and development along all lines.

Necessity for better coal-land laws is recognized by all: The leasing system and the intelligent utilization of the coal yet remaining under Government ownership seems now imperative to every thoughtful person who has given the matter thought. It is believed such a policy will (1) afford competition to the coal monopoly and better prices to consumers; (2) divorce transportation from production—a necessity conceded by most students of the subject; (3) serve as a club to insure better prices in areas where the mines are not opened or leased at all; (4) prevent waste and insure better treatment of labor; (5) enable coal companies to lease an area large enough to justify competition with present monopoly; and (6) prevent favoritism, inasmuch as the leases will be awarded through advertisement and competitive bonus bids.

General provisions: A minimum royalty of 2 cents per ton is fixed, so that the department may adjust each case according to conditions that are present, having due regard for markets, transportation, and other conditions.

It will be observed that the 2 cents per ton is only a minimum charge, and the Interior Department and Government officials may charge as much beyond that as the facts, conditions, and circumstances in each case may warrant.

A rental is provided to insure development.

Safeguards to the public interests are present all through the bill.

The leasing bill, in short, will do with Government property what has been done by all the foremost countries of the world; will do what we have done successfully with the Indian lands, what individuals would do and are doing through the length and breadth of our country. It is wise conservation which bears the approval of Secretary of the Interior Lane, Dr. George Otis Smith, Director of the Geological Survey, the head of the Bureau of Mines, as well as the conservation people from one end of the country to the other.

The leasing system is not new; it is old. It will be objected to by some, just as many other good things have been objected to, but it is right. The parcel post, the rural-route system, and other similar aids were assailed both by the wise and unwise, but they are now conceded to be blessings that have come to stay. The leasing proposition to develop our mineral resources has come, will be adopted, and the system will remain in vogue, for it will be full of safeguards to the public as distinguished from protection of selfish interests.

It is thought the bill will be workable; will afford cheaper coal to consumer; will afford adequate returns to the producer; will prevent monopoly and oppressive methods; will be a boon and a blessing to the workingman, to the producer, and to the consumer. It will be observed that the maximum area for which any one citizen can acquire a lease is 2,560 acres. It will be observed that favoritism in awarding the leases is avoided by first causing the deposits to be carefully appraised and then asking for a bonus by advertisement and competitive bidding. This insures a chance for all. This obviates the usual criticism of favoritism and partiality in the awarding of leases. No railroad shall be a producer of coal except for its own use. It is thought that such separation of transportation from production will go a long way toward stamping out rebates, oppressive methods in shipment, and other existing evils.

It will be observed that the royalty in no case shall be less than 2 cents per ton and may be fixed by the Secretary of the Interior to appropriately fit each case, having due regard for transportation facilities and marketing, as well as other conditions that may need to be considered in any particular case.

The bill is well safeguarded and prevents the lessee from tying up development, inasmuch as he is required to pay an acreage rental and must operate continuously, unless upon application the Secretary of the Interior, acting in the public interests, may modify these requirements, but in no case can the minimum tonnage on which royalty is to be charged be less than the actual rental.

The interests of the homesteaders who are engaged in developing the West are fully protected, and the bill permits a homesteader to secure without royalty, under regulation, a lease for domestic use, so that he may be relieved from the Coal Trust and its oppressive methods. This will be a blessing to the home builder and will afford immediate relief from present conditions until the leasing plan is in full operation.

Cities and municipalities may secure a lease without the payment of royalty on 160 acres for municipal supply, but this must be operated without profit. This will serve as a curb to monopoly, will spare the city from oppression and extortion. Even though the 160-acre tract of coal lands were never used, it would serve as a weapon of protection to those who would or could practice monopoly or extortion upon them.

Oil and Gas.

Sections 9 to 14, inclusive, in conjunction with general provisions appearing later in the bill, deal with the oil and gas deposits.

AREA AND EXTENT LARGELY UNKNOWN.

At present 6,650,000 acres have been withdrawn as valuable for oil and gas. The hearings disclose that some of this land is in litigation; some is sought to be acquired by applicants through dummy entries and other irregular methods. No one can say that the remaining 700,000,000 acres of public land in continental United States and Alaska do or do not contain deposits equally valuable with those already discovered.

Geologists have in the past and will in the future call to their aid science and scientific methods to determine where oil deposits are found. Still it is pretty well admitted on all sides that new and unexplored fields are constantly being found, opened up, and developed, which are unknown and unfathomed, by geologists and scientists. Naught but the rotary drill of the industrious and ambitious oil man can in the last analysis answer definitely where the oil deposits are, what they are, and other indispensable information about them.

OIL AND GAS NOW BEING DEVELOPED UNDER PLACER LAW.

Everyone acquainted with oil production knows how almost totally inadequate the placer law is for oil development. Under the law as it now stands eight citizens can form themselves into an association and take up as such 160 acres. They may then, in succession, without limit and without restraint, take up as many more 160-acre tracts as they like. By this almost criminally lax method the valuable oil deposits of the country, now universally used by rich and poor alike, from cookstove to automobile and from automobile to battleship, have crept away and either have or will find their way into monopolistic control, which means exploitation, extortion, and abuse.

Your Committee on Public Lands are anxious to supplant this unwise, unwholesome, nonworkable law with an intelligent leasing law that will be workable, feasible, and bring about the highest development to the end that monopoly and extortion to the consumer may be stamped out, and at all times conserve the interests of the Federal Government in the property, and to in all things serve in the public interest.

Objects of Bill.

The objects of the bill are (1) to free both producer and consumer from monopoly; (2) to insure competition; (3) to prevent speculation and secure in its stead bona fide prospecting; (4) to protect the prospector; (5) to reward the prospector who does the drilling; (6) to insure an adequate supply of fuel oil for the Navy, which has abandoned the use of coal and will from necessity use larger and larger quantities of oil as long as we have a navy, and (7) to amicably settle litigation that sprang up from the Executive withdrawal by the Government of mineral lands which had partially been developed under the old law.

PROSPECTING PERMIT.

Oil can only be found by drilling; therefore section 9 of the bill authorizes the Secretary of the Interior to issue a prospector's permit for a period of two years, conditioned on development and actual drilling.

If the prospector holding a Government permit makes a discovery of oil or gas, that discovery under this legislation entitles him to a lease for one-fourth of the area of his permit at a fixed royalty of one-eighth. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in the prospecting permit at such royalty, not less than one-eighth, as may be fixed by the Secretary of the Interior, for such periods and under such other conditions as are fixed for oil or gas leases in this act.

This is thought to be ample reward for the prospector, and at the same time it would turn back to the Government for leasing or for Government use three-fourths of a known oil field, which is believed to be in the interest of conservation, in the public interest, and an assurance that the Government itself will not be left destitute of the necessary fuel, and, further, that the Government, whether with or without adequate antitrust laws, will be able to grapple with the problems of monopoly in oil, which deals with a heavy hand the full length and breadth of the country.

PHOSPHATES.

Sections 15 to 17, inclusive, of the bill deal with phosphates. Soil can not constantly produce without being fed. Its food is fertilizer, and consequently fertilizer is a factor in the cost of living. The conservation

of mineral fertilizer is now important, and it will become more so as the virgin soil becomes depleted. In the past large areas have been withdrawn as phosphate lands, but on geologic investigation some of this area has since been restored, leaving approximately 2,870,000 acres. A rough estimate of the number of tons of deposits of phosphate remaining in public ownership would be 20,000,000,000. This mineral occurs and is found largely in Utah, Wyoming, Idaho, Montana, and a little in Florida. The withdrawals of phosphate lands, by States, is as follows:

	Withdrawn.	Restored.	Outstanding.
Florida	122,816	2,819	119,977
Idaho	2,306,019	1,339,642	966,377
Montana	308,975	178,760	130,215
Utah	805,597	544,846	260,751
Wyoming	3,154,227	1,971,411	1,182,816
Total	6,697,634	4,037,498	2,660,371

Phosphate is said to be worth $4.50 per ton at the mine. Thus a rough estimate of the total value of the mined product in its natural state in the public lands of our country would be $90,000,000,000, a sum so vast the mind is scarcely able to grasp its enormity, and probably not expressing the full value of this resource to our farmers, and yet with no adequate law either to protect this resource or to develop it.

In his report on this bill last year Secretary Lane has the following to say with regard to phosphates:

"The largest production of phosphates up to the present time has been in the State of Florida, with considerable quantities also produced in Tennessee and South Carolina. It is from these States that the phosphates so greatly needed by the farmers of this country have been largely exported.

"Discoveries of vast deposits of phosphate rock in Idaho, Montana, Utah, and Wyoming were made in 1906. In 1908 all the public lands within this area believed to contain phosphate deposits and not included within prior valid mining claims were withdrawn from entry, and have since remained withdrawn, awaiting the enactment of laws which would be better adapted to the development of these deposits and the protection of the public rights and interests involved.

"Phosphates occurring in rock, as they do in the West, can be acquired under the lode-mining laws at present, or could if they were open for entry. Where the deposits are in placer formation, as is the case in Florida, they are disposed of under the placer mining laws.

"These laws are inadequate to protect the public interests and rights in these deposits. They provide no method for preventing monopoly of holding or for securing development and continuous working of mines. If disposed of under the present laws, these deposits may be monopolized and withheld from development and use in any manner which may best serve the interests of monopoly, and which would inevitably mean the maintenance of high prices to the consumers.

"This bill provides for the retention by the United States of the title to all phosphate lands and the leasing of the lands for development and production of phosphates. It offers such reward as is expected to encourage exploration and discovery, gives liberal inducement to private enterprise to search out and apply better methods to the production and manufacture of phosphates, and at the same time insures such competition in production as is believed to furnish complete safeguarding of the public against the extortions of monopoly.

"Tracts of not more than 2,560 acres of phosphate lands are to be leased for development.

"The Government is to receive a royalty of at least 2 per cent of the value of the phosphates produced, at the point of production, with a minimum rental of $1 an acre per annum. Leases are to be indeterminate, with full regulation of methods of mining, prevention of waste, monopoly, and minimum production. It is left to the Secretary of the Interior to make such terms in the lease concerning the time for development and the use of surface lands for location of factories and for other purposes as may be desirable to encourage location of new industries and protect the public interests."

With all these resources no adequate public or mineral land policy is in vogue: With all this enormous wealth decreed to us by nature and by purchase, with all the mineral deposits slumbering in the ground untouched, yet the Government, with all its patriotism, with all its wisdom, has as yet no well-defined, well-digested, rational policy for the development of the mineral resources contained in its public lands.

Our laws are in many respects crude, irreconcilable, inefficient, without uniformity, confusing to the brain of the miner, impossible of interpretation by the layman, a jargon of inconsistencies, retarding progress and development. Most of our so-called mineral laws in truth and in fact are not laws at all but are simply a jargon of Executive orders, rulings, interpretations, and decisions made by different bureau chiefs and clerks in the ramifications of the various bureaus of the Interior Department.

It is gratifying to observe that Secretary Lane and the present administration have put their hands to the plow and are utilizing the experience of the administrations that have preceded us in formulating a land policy which will make clear to the miner and to the public the relative rights of all concerned. It is both gratifying and pleasing to know that Secretary Lane and the present administration have the hearty cooperation of the preceding administrations and their friends, both in and out of Congress, in the working out and bringing about of a solution of these more than vexatious questions in the handling of the 700,000,000 acres of public domain in the United States and Alaska.

It should be distinctly understood that the withdrawal of large areas of land by the previous administrations has only been a preliminary step to, but in no sense a solution of, the public-land policy. It is thought that Secretary Lane is entitled to unusual credit for taking up the task where his predecessors left it in aiding the Public Lands Committee to bring into Congress a measure for the solution of these problems, which is thought to be feasible, acceptable, and workable, and which it is believed will insure a proper development and an intelligent utilization of our mineral resources, without waste and without permitting monopoly or injustice to be pressed down upon those who would develop the West, or upon the interests of the public, who are entitled to reap the benefits.

RELIEF PROVISION RELATING TO OIL CLAIMANTS WHO HAD PARTIALLY DEVELOPED LANDS WHEN THE EXECUTIVE ORDER OF WITHDRAWAL WAS ISSUED.

On September 27, 1909, the then President Taft made an Executive order withdrawing large areas of public lands in the West on which oil prospectors were actually engaged and in many instances actually producing oil. There was much controversy in the West as to whether the President of the United States under the then existing laws had authority to withdraw such lands that had valid, bona fide claimants on them seeking to develop the lands and produce oil from them under the then existing law. Able lawyers advised the claimants, some gratuitously and some for pay, but it was uniformly referred to and assented to throughout the West that the then President Taft had no authority to make such withdrawals. The oil claimants, not in a spirit of disobedience but in pursuance of what they thought were their rights, at very great expense and hazard, and very great loss in some instances, and in still other instances with very great profit, went on expending money and developing this territory.

The matter was litigated in the courts and carried to the highest tribunal, the Supreme Court of the United States, which seven years afterwards upheld the withdrawal order and decided that the President did have the right to make the withdrawal order that he did make.

This left the oil men in a precarious condition. They must either go on litigating with their Government or come to Congress and make an appeal to Congress for some equitable adjustment of their difficulties. Some pursued one course, some another, but the bulk of them, however, have been appealing to Congress for the last five years to give them some relief. Congress has always given an attentive ear to their claims and usually has sympathized with them in an effort to save their investment and preserve their rights, but it is believed that in no instance has anyone desired that they should have rights which would in any way be unfair to the Government or antagonistic to the public interests.

This particular relief phase of the bill has had extended attention not only from both Committees on the Public Lands of the House and Senate but from the Departments of Interior, Navy, and Justice.

The combined judgment of the three departments mentioned and the combined judgment of the Committee on Public Lands is set forth in the following specific proviso, which is a proviso to section 12 of the bill, and which reads as follows:

"*Provided*, That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, for the purpose of prospecting for oil or gas, and thereupon commenced development work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States the producing oil or gas well or wells resulting from such work at a royalty of not less than one-eighth of all the oil and gas produced and saved therefrom, together with an area of land sufficient for operation thereof, but without the right to drill any other or additional wells thereon except as may be authorized by the President, and no wells shall be drilled on lands subject to the terms of this act within 660 feet of any such leased well without the consent of the lessee thereof: *Provided further*, That where the President shall determine that it is to the public interest, he may lease the remainder of any such claim to the claimant upon such terms and conditions as he may prescribe: *And provided further*, That all such claimants shall pay, in such manner as the President may determine, to the United States an amount equal to not less than the value when produced of one-eighth of all the oil and gas already produced and saved from such well or wells: *And provided further*, That no claimant whose well or wells may be involved in any suit brought by the United States or in any application for patent shall be entitled to a lease under this proviso, unless within six months after approval of this act he shall relinquish to the United States all rights claimed by him in such suit or application, unless the President shall further extend such time. No person who has been guilty of any fraud, or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to a lease under the provisions of this act."

It is contended by the oil men that this is a harsh settlement with them of their rights, which they insist were bona fide and acquired in the greatest hazard, and that it does not accord them adequate relief.

The Interior Department has at all times contended that every right of the Government should be conserved in the public interest. However, they have always thought that the Government should not deal unjustly with these pioneers on the public domain who have converted a worthless desert into a producing oil field which affords an adequate supply of oil for the Navy and the Republic in general.

The Department of Justice has been vigilant, has commenced and prosecuted some 55 suits, most of which are still pending in the courts, seeking to recover these lands for the Government. In order to accomplish this the Department of Justice has availed itself of technical frailties of procedure in acquiring these lands under the placer-mining law. In other cases the department found open abuses of the law in their efforts to acquire patent thereto.

The Department of the Navy has at all times been vigilant, active, and determined in their efforts to conserve an adequate fuel supply for the United States.

The interests of the three departments above mentioned have been so acute and so interlaced and interwoven in this intricate matter, involving litigation, receivership, and millions of dollars' worth of impounded oil and property, that your committee requested representatives of each of these departments to appear at the hearings, and they did actually sit in and participate in all the hearings had upon the bill, and acknowledgment is hereby made to them for their help and assistance in bringing about the above solution of this intricate and troublesome question, which is thought to be a solution which in all things is believed to be fair to the Government and to the development.

This view was reached after the most untiring investigation, after the most tedious and laborious efforts expended toward its solution by the departments, by the Committee on the Public Lands, and by the oil men themselves, who have been ably represented and have likewise been vigilant, active, and energetic in the preservation of their every right and the securement of all the relief that it was possible for them to obtain.

OIL SHALE LANDS.

In section 14 provision is made for the leasing and development of deposits of oil shale belonging to the United States. From evidence submitted at the hearing it appears that the known oil-shale deposits of the United States aggregate something like 15,000 square miles, in Colorado, Utah, and Wyoming. There are also areas of oil shale known in Nevada, California, Arizona, and Oregon. Oil is not extracted from shale through wells, but the shale must be mined like coal and subjected to a process of distillation, producing ultimately crude oil, with sulphate of ammonia and paraffin as by-products. It is estimated that the production of oil from the better class of shales will approximate 47 gallons of crude oil to the ton. The mining and manufacture of oil and other products from these shales are somewhat analogous to the mining and reduction of low-grade ores. It can be accomplished only through the adoption of expensive and complicated manufacturing

processes and by handling the shales in large quantities. It is estimated that a complete plant having a capacity of 1,000 tons of shale per day will cost from $2,200,000 to $2,500,000.

Oil has been produced from shales for many years in Scotland and other places in Europe, and some production is being had in Canada, where, while a small royalty is exacted from the developer, a bonus is paid by the Government of 1½ cents per gallon of crude oil. Your committee regards the oil-shale deposits as a valuable Government asset and susceptible, under proper encouragement, of producing vast quantities of crude oil and its by-products, but only through liberal treatment and through a somewhat different method than that employed in the extraction of oil from wells. Section 15, therefore, authorizes the leasing of the oil-shale deposits in areas not exceeding 5,120 acres of land, upon such royalties as may be specified in the leases, with the right in the Secretary of the Interior to waive the payment of any royalty and rental during the first five years of any lease, the royalties to be subject to readjustment at the end of each 20-year period. There are reported to be numerous locations upon these lands under the general placer-mining laws, and provisions have been adopted that any person having a valid location of such minerals prior to January 1, 1918, may, upon relinquishing his claim, be entitled to a lease under the provisions of the section.

In view of the fact that no commercial quantity or any appreciable amount of shale oil has ever been produced in this country, nor any standardized process of production has yet been evolved or recommended or agreed upon in this country by the Bureau of Mines or anyone else, and it has not yet been demonstrated that the oil-shale industry can be made commercially profitable, in view of the location and conditions of the oil shale in this country, and that it will require the hazard and employment of many millions of dollars, and the long application of expert experience and intelligence of the highest order to develop the industry to a productive and profitable state, for the purpose of encouraging the experiment upon and the development of the oil-shale industry in this country, your committee very earnestly recommends exceedingly liberal conditions to those who are willing, under the supervision of the Government, to undertake the risk and expenditure of the necessary time and money to make the production of shale oil possible.

ALASKAN OIL PROVISIONS.

Section 29 of the bill is devoted to Alaska. Special consideration was given to Alaskan oil fields. The demand for distinct recognition by Alaska oil claimants is based upon conditions peculiar to Alaska, grouped as follows:

(a) Distance of the fields from commercial centers.
(b) Time required in the shipment of necessary materials.
(c) Difficulties in the transportation of materials by land in the oil fields.
(d) The short season in which work can be done.
(e) Scarcity of needed materials on ground.
(f) Rapid decay and destruction of materials during long nonuse.
(g) High cost of labor and maintenance in these fields.
(h) Absence of housing quarters for employees.
(i) Unusual difficulties encountered in drilling.
(j) Small production of individual wells.
(k) Great distances between the oil areas.
(l) Difficulties and cost of transportation of oil produced.
(m) Difficulties in storing and refining oil produced.
(n) The present scarcity and high price of fuels.
(o) Shipping necessary to transport needed fuel to Alaska.
(p) Taking of oil from the California and other United States fields to Alaska for fuel.
(q) Encouragement to the mining interests in furnishing fuel for mining and milling ores.
(r) Local fuel for Alaskan industries generally.
(s) Continued production of the necessary supply of Alaskan salmon.
(t) Recognition of present claimants, occupying but 1 per cent of Alaskan oil fields, will encourage development of the 1,000,000 acres of known and classified oil lands.

The evidence shows some 60 claims in the principal Alaskan fields located long prior to any withdrawal order. The claimants, their assignees and successors, have in good faith held and worked these claims uncontested nearly 20 years and have expended thereon an aggregate of approximately $1,000,000.

No discovery of oil in wells has been made on many of these claims, but by reason of faults and folds the surface in many places is marked by large springs or seepages of live oil and gas issuing from the rock. This seepage, the evidence shows, is a positive visual production of oil, amounting, in many instances, to measurable quantities in short spaces of time. The original locators and their assignees have in good faith relied upon these seepages as discoveries sufficient, with the improvements made and work performed, to validate their claims. These seepages have been used as guides in drilling wells, and every well drilled at or in relation to a seepage has proved of commercial value.

The Geological Survey authoritatively states that "if any drilling is to be done it will first be advisable to search out those areas where the presence of seepages gives the best hope of favorable results." (Bull. 592, p. 400.)

A Federal judge in the recent Consolidated Mutual Oil case said:

"While it is possible that at times oil may be found issuing from the surface of the ground, in which case discovery, of course, may be made without difficulty or expense, it is a matter of common knowledge that almost always drilling is essential to such discovery."

Another Federal judge recently said:

"It would not do to say that a discovery of seepage oil upon a mining location could not in any case constitute a discovery."

The author of the official compilation of the United States mining laws and decisions has recently published a digest of the authorities on this subject as follows:

"Lands subject to oil locations must be chiefly valuable for the oil content. Discovery of oil on a claim is necessary. Discovery of oil in commercially valuable quantities is not required. The discovery required is to determine if the land is chiefly valuable for oil and not to determine the value of the oil deposit. The sufficiency of a discovery is a question of fact. The rule as to the sufficiency of a discovery is more liberal as applied to placer than to lode claims. The rule as to the sufficiency of discovery on placer claims is made more liberal on oil locations by the petroleum act.

"The willingness of a prospector to expend money and labor in development is an element in determining the sufficiency of a discovery. Oil seepage in appreciable quantity may answer as to the actual presence of oil. The sufficiency of a discovery may be established by presumptive evidence in connection with the presence of any appreciable quantity of oil."

The evidence shows that the lands in the fields are practically worthless for other purposes. There is little valuable timber and no discoveries of other minerals have been made thereon. Under the act of February 11, 1897 (29 Stats., 526), the locators could assume from the seepage that the lands contained petroleum and were chiefly valuable therefor.

The testimony and Government reports show that the Alaskan fields, although large in area, are much broken and faulted, thereby shifting the oil to widely separated pools or reservoirs presumably along faults and folds of the same general field. The probable extent of these fields is in the neighborhood of 1,000,000 acres, with the possibility that even larger areas will be discovered if prospecting is reasonably encouraged. These and other reasons given make necessary a larger number of tracts for operation to justify the initial investment and average the incident risks.

Drilling processes are slow, necessarily expensive, and the wells are small, averaging about five barrels a day.

The testimony demonstrated that immediate development is vital as a war emergency to continue and protect the production of fish, gold, and copper, that are dependent upon local oil production.

From these existing and partially developed claims, oil for the emergency requirements of the Alaskan fisheries and mines must come. A quarter billion cans of Alaska salmon needed at the fighting front are almost wholly dependent on this supply of oil. Liberal treatment and inducements are necessary to encourage immediate development for a supply of fuel to these industries, and the pioneers in the field should have a larger margin of safety than those in more regulated, accessible, and uniform fields, where all conditions are far more favorable. The advantages given are essential to quick production to meet the emergency and the present Alaskan requirements.

A similar proviso has recently passed the Senate; and the House has twice recognized the conditions peculiar to Alaska in previous consideration of this measure.

For these and other reasons that space will forbid the giving, the committee recognizes the validity of these claims and has attempted to give liberal and just treatment to Alaska claimants. Under the conditions briefly reviewed, and as established at the hearing, it is our unanimous conclusion that any Alaskan who can measure up to the requirements of this section is entitled to the benefits of its provisions. Its beneficial effect and its simplicity is such that the men who have discovered and opened up a virgin resource can immediately determine their present status, and, if within its provisions, may safely and expeditiously proceed to meet the present emergency.

DEPARTMENTAL REPORTS ON RELIEF SECTION OF H. R. 3232 AND S. 2812.

JANUARY 8, 1918.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

MY DEAR MR. SECRETARY: Will you be good enough to furnish the committee a report of your views on the following amendment:

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas shall be entitled to lease from the United States any producing oil or gas well resulting from such work, at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States, or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Will you be good enough to let the report show whether or not, in your opinion, this is all the relief that the oil claimants are entitled to, and report to us fully in the premises? The Committee on the Public Lands are anxious to do full justice to the bona fide claimants in the West, but are anxious that no Government property of any sort shall be sacrificed in an effort to so aid them.

I would like to have this report at your very earliest convenience, and also advise us if, in your opinion, it would be proper for us to strike out all relief provided in the Senate bill and insert this instead.

With great respect, I am,

Very sincerely, yours,

SCOTT FERRIS.

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DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1918.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 3232, commonly known as the general leasing bill, particularly with respect to the so-called remedial provisions relating to oil and gas claims within withdrawn areas, and embodied in the proviso to section 12 of the bill.

H. R. 3232 is identical with H. R. 406, Sixty-fourth Congress, as favorably reported by your committee and passed by the House of Representatives. I reported upon that bill at length, and I do not think I can add anything to statements contained in previous reports. With respect to the so-called relief provisions, I recommend that the proviso to section 12 be eliminated from the bill and the following inserted in lieu thereof:

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas well resulting from such work at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all

the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States, or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

With this amendment, I recommend that H. R. 3232 be enacted.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1917.

MY DEAR MR. FERRIS: I am in receipt of your request for report and recommendation upon H. R. 3232, a bill to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium deposits owned by the United States.

This bill is identical with H. R. 16136, passed by the House of Representatives September 23, 1914, and H. R. 406, passed by the House January 15, 1916, and the enactment of which was recommended by this department. The merits and purposes of the measure were fully set forth in previous reports and in hearings had before the Committee on the Public Lands. The bill was regarded as an important measure for the utilization of the resources described in time of peace and as a measure of preparedness for war.

The existing state of war, in my opinion, renders the enactment of the bill necessary and vital.

Potash is an essential in the manufacture of munitions and of vital importance as a fertilizer of the soil for increased food production. According to a pamphlet entitled the "Potash industry," published by the German Kali Workers, Chicago, Ill., practically all the potash produced prior to the war came from the mines of the German Empire, and in the year 1911 its consumption by the principal countries of the world was as follows: Germany, 422,341 metric tons, or 49.8 per cent of the total production; United States, 237,453 metric tons, or 28 per cent of the total production; Holland, 34,375 metric tons; Great Britain, 21,217 metric tons.

Examples of increase in production of agricultural crops cited in this pamphlet showed yield of corn on an acre in Indiana fertilized with potash 75.7 bushels, without fertilizer 32.1 bushels; of sweet potatoes in South Carolina with potash fertilizer 250 bushels per acre, without potash fertilizer 122½ bushels per acre; pears in Indiana with potash fertilizer 205.8 bushels, unfertilized 58.8 bushels; beans in Michigan with potash fertilizer 22.7 bushels per acre, unfertilized 5 bushels.

The foreign supply of potash is, of course, now not available and the amount of potash produced in the United States is at present negligible. One hundred and thirty thousand six hundred and twenty-nine acres of public lands containing potash are withdrawn from entry. This area includes Searles Lake, Cal., one of the largest known deposits in the world. I am informed that two experimental plants for the production of potash located on the shores of this lake have recently been completed. They have direct outside railroad connections, and it is alleged that they can not only start to work at once but that their capacity can be largely increased if this legislation be had and leases granted.

Another important natural resource which would be developed under this bill is the phosphate deposits of Idaho, Wyoming, Utah, Montana, and other public-land areas. Approximately 2,600,000 acres containing these deposits are now withdrawn from development. Phosphate is an exceedingly valuable element in the fertilization of lands, and the development and cheapening of this resource would undoubtedly add largely to our agricultural production.

The importance of ample supplies of gasoline and oil for the Navy, for airplanes, for motor trucks, and other uses connected with successful prosecution of war can hardly be overestimated. Six million four hundred and ninety-one thousand one hundred and forty-five acres of public land believed to contain oil are withdrawn from development. A part of this area is proven territory, in direct touch with pipe lines and refineries, and the products could be made immediately available by the enactment of this measure. I therefore earnestly recommend that H. R. 3232 be enacted at the earliest practicable moment as a war measure.

Cordially, yours, FRANKLIN K. LANE, *Secretary.*

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1916.

MY DEAR MR. FERRIS: In response to your request for report upon H. R. 406, Sixty-fourth Congress, first session, a bill "to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, and sodium," I have to advise that, with slight amendments, designed to perfect the measure, it is similar to H. R. 16136, Sixty-third Congress, second session, recommended by this department, by the Committee on the Public Lands, and passed by the House September 23, 1914.

The measure deals with deposits in the public domain which may be classified as fuel and fertilizer minerals, and proposes to encourage and authorize the development of those deposits when found in public lands, national forests, and certain reservations.

Large areas of coal and oil lands have been withdrawn from entry to save their exploitation by monopoly and to await the enactment of legislation better adapted to their development. Large areas of phosphates and potash needed for agricultural development are unworked because of inadequacy of present laws. The purpose of this bill is to open up all of these deposits for use, on such terms and conditions as will prevent their waste, secure proper methods of operation, encourage exploration and development, and protect the public. The methods provided are designed to make it easy and profitable to mine and market these minerals and to discourage the holding of unworked mineral lands for speculative purposes. It offers to the operator of small capital the same opportunity as the large corporation. It will, it is believed, be an incentive to the development and to the establishment of new industries. The general system proposed has been applied successfully and satisfactorily to the production of oil from Indian lands. In oil and coal lands held in private ownership the leasing system is common practice, and several of the States have provided for the leasing of coal deposits in their school lands.

Section 1 of the bill provides that the existing coal-land laws of the United States may be taken advantage of by those who desire to secure those deposits, or that same may be leased as provided in this bill. One reason for continuing existing coal-land laws in force is that there are many hundred coal claims already initiated under the old law; another reason is that it will give opportunity of choice to the citizen, who can either buy or lease at his option. It is generally believed that large coal operators will prefer to lease, but it was thought that those who prefer to obtain a smaller area under existing laws of purchase should be accorded an opportunity so to do.

Section 3 authorizes the Secretary of the Interior to lease coal lands or deposits in blocks or tracts of from 40 to 2,560 acres to any qualified applicant, and allows railroads to secure leases for limited areas of coal lands for railroad uses and purposes, but not for any other purpose.

Section 4 permits the enlargement of leases to an area not exceeding the maximum of 2,560 acres.

Section 5 permits the consolidation of small leases into a new lease of not exceeding the maximum of 2,560 acres.

Section 6 is designed to meet situations where sufficient contiguous lands to make up a lease are not available.

Section 7 fixes rentals and royalties and provides that the leases shall be for indeterminate periods, upon condition of continued operation, subject, however, to readjustment of terms and conditions at the end of 20-year periods.

Section 8 is designed to permit the mining of limited amounts of coal for local or municipal use without payment of royalty.

Sections 9 to 13 deal with deposits of oil and gas in the public lands.

Section 9 provides for the issuance of a prospecting permit which will give to any qualified applicant the exclusive right for a fixed period to prospect upon areas varying from 640 to 2,560 acres of land, the permittee being required to perform a specific amount of development work. This provision of law is designed for the protection of those exploring for oil who, under present laws, have no such protection and who may be deprived of the fruits of their labors by others.

Under section 10 the permittee who shall have discovered deposits of oil or gas is given a patent for one-fourth of the area included in his prospecting permit.

Section 11 contains provisions designed to prevent waste, protect adjacent lands, and secure the properly restricted development of lands embraced in permits, leases, and patents issued under this act. If enacted, it will obviate some of the abuses which now exist with respect to the development of the oil and gas lands, among them the sapping of oil deposits from adjacent lands and the destruction of same through lack of care of the wells.

Section 12 provides that all deposits of oil or gas and unentered lands containing the same shall be subject to lease through competitive bidding in areas not exceeding 640 acres, upon payment of an annual rental, to be accredited against royalties for the current year, and of a royalty fixed in the lease, which shall not be less than one-tenth in amount or value of the production. Leases are to be for a period of 20 years, with a preferential right to renew same for successive periods of 10 years, upon reasonable terms and conditions. The proviso to the section is remedial in its nature, designed to meet existing conditions in the oil fields. There are at present many developed oil wells upon the public domain held by those whose claims are invalid under existing law, for the reason that no discoveries were made prior to the date of the withdrawal of the lands from entry or because the original locators were "dummies." These persons have no legal rights, but their large expenditures and the ensuing development present an equitable situation which this proviso is designed to relieve by giving them the right to secure a lease to the deposits so developed upon payment of a royalty of not less than one-eighth of the oil or gas.

Section 13 deals with rights of way through the public land and reservations of the United States for oil or gas pipe lines, providing that such rights shall be granted only upon the condition that the lines shall be operated and maintained as common carriers.

Sections 14 to 17 deal with deposits of phosphate or phosphate rock.

Section 14 authorizes the Secretary of the Interior to lease the minerals under such regulations as he may adopt, and section 15 provides that the leases shall not exceed 2,560 acres of land in compact form.

Section 16 provides that leases of phosphates may be for indeterminate periods, subject to adjustment at the end of each 20-year period, leases to be conditioned upon the payment of an annual rental, which is to be accredited against royalties for each year and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the mine.

Section 17 grants the right to use a limited area of public land for the development, treatment, and removal of the phosphate deposits.

Sections 18 to 20 deal with deposits of potassium or sodium. These minerals are generally found in the desert areas of the United States, frequently in former lake beds, and their discovery and development are of great public importance.

Section 18 authorizes the granting of a prospecting permit somewhat similar to that provided in the case of oil or gas.

Section 19 grants to the person who shall have discovered one of the minerals claimed under a prospecting permit a patent for a part of the lands included in his permit and provides that all other lands known to contain such deposits shall be leased by the Secretary of the Interior under general regulations and in areas not exceeding 2,560 acres, the leases to be conditioned upon the payment of an annual rental, which may be accredited against royalties as they accrue for that year, and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the point of shipment. Leases are to be for indeterminate periods, upon condition that at the end of each 20-year period readjustment of terms and conditions may be made.

Section 20 grants the right to use a limited tract of unoccupied public land for camp sites, refining works, or other purposes connected with the development of potassium or sodium.

Sections 21 to 31 are general provisions applicable in whole or in part to all of the deposits described in the bill.

Section 21 authorizes the Secretary of the Interior to insert in any prospecting permit appropriate provisions for cancellation of the permit upon failure of the permittee to exercise due diligence in the prospecting work.

Section 22 limits the number of leases which may be held under the act and is designed to avoid monopoly by preventing interlocking interests through stock holdings or through any other direct or indirect means.

Section 23 provides against monopolies in the extraction and resale of the deposits.

Section 24 authorizes the reservation of the right to permit the joint or several use of easements or rights of way through the leased lands, and also permits the United States, in the discretion of the Secretary of the Interior, to dispose of the surface, with a mineral reservation, and subject to the use of so much of the surface as may be necessary by the lessee in extracting or removing the mineral deposits.

Section 25 is also designed to prevent the indirect acquisition of the minerals by monopoly, by providing that there shall be no assignments or subleases except with the consent of the Secretary of the Interior. This section also contains provisions to prevent waste and to insure the exercise of reasonable diligence, skill, and care in operating the property. These and similar provisions have the ultimate object of securing to the consumer the various products at a reasonable price and the preventing of same from passing into monopolistic control.

Section 26 provides for appropriate forfeiture, but safeguards the interests of the lessee by requiring such proceedings to be in the United States court for the district in which the lands or deposits are situate.

Section 27 authorizes the Secretary of the Interior to require statements or reports from lessees.

Section 28 provides that the act shall apply to deposits in lands which may have been disposed of by the United States under laws which reserved the coal, oil, gas, phosphate, potassium, or sodium, with the right to prospect for, mine, and remove the same.

Section 29 devotes the proceeds from leases, first, to the reclamation fund for the construction of irrigation works in the Western States. Upon return of this money, as required by the reclamation law, 50 per cent of the proceeds will go to the State within the boundaries of which the leased lands or deposits were located for the support of public educational institutions or for the construction and maintenance of public roads.

Some of the reasons for these provisions are as follows: In 1902 Congress set apart proceeds of the sales of public lands in the Western States for a reclamation fund. Some 30 projects were started and nearly $100,000,000 have already been expended therein. It will take many millions more to complete them. The receipts from the sales of public lands have diminished greatly in late years, partly owing to the fact that agricultural homestead lands are free to settlers, and partly due to the fact that large areas have been reserved by the Government for forest reserves, water-power sites, national monuments, etc. In 1910 Congress authorized the loan of $20,000,000 to the reclamation fund, upon condition that it be repaid. The situation is, therefore, that present receipts from the sale of public lands are inadequate to complete existing projects or to repay the loan above described. It is essential, therefore, that in order that this may be accomplished, as well as that new projects may be hereafter undertaken, if deemed advisable, that the proceeds from these leases shall go, as have receipts from all other public lands in the past, into the reclamation fund. As stated, the bill provides that upon return of the money 50 per cent shall go to the States for public purposes, an equitable provision when it is considered that in most of the States affected there is need for better educational facilities and improved public highways.

Section 30 authorizes the Secretary of the Interior to prescribe necessary rules and regulations, and section 31 is the repealing clause, also containing provisions to permit claims, valid and existent under present law, to be perfected thereunder.

The present coal-land laws, which provide for the sale in areas not exceeding 160 acres to an individual, 320 acres to an association, and not exceeding 640 acres to four or more persons who have spent $5,000 in development work, at an appraised price of not less than $10 or $20 per acre, according to location, are unsatisfactory in many respects. The maximum area is too small to permit of modern and economical development, and in many instances makes cheap production impossible. It also requires a considerable initial investment by the operator, whereas under a leasing system he would only be required to pay for the coal on a royalty basis as it is extracted. The bill also makes provision for the prevention of waste and the safeguarding of the interests of those engaged in mining work.

Oil and gas lands or deposits are now subject to location and entry under the placer mining laws. These laws have been generally unsatisfactory both from the standpoint of the prospectors and operators and of the Government. There is nothing in the present law to protect the prospector during the preliminary period, when through the expenditure of large capital he is engaged in drilling, and the limitations as to acreage contained in the existing laws are also a temptation to evade, through the use of dummy locations.

A leasing measure permitting the acquisition of larger areas, protecting the developer and requiring payment to be made only upon production will not only conform more nearly to the customs of private development, but will, it is believed, be fairer to both the operator and the Government.

The largest production of phosphates up to the present time has been in the State of Florida, with considerable quantities also produced in Tennessee and South Carolina. Immense deposits of this valuable fertilizer mineral were found in Idaho, Montana, Utah, and Wyoming in 1906, but these lands have been withdrawn since 1908, awaiting the enactment of laws adapted to their development.

As with the oil and gas, the lode and placer mining laws of the United States do not fit these phosphate deposits, and this measure will, in the opinion of the department, secure the development of these valuable deposits under reasonable terms and conditions. The same is true of the potassium or sodium deposits found chiefly in the Great Basin in the western United States, which are not being developed under existing laws, but whose extraction is of great public importance. In fact, the necessity for encouraging the discovery and production of these fertilizer minerals can hardly be overstated. They are badly needed to renew worn-out soils and to increase or maintain our agricultural production. In the past the United States has imported large quantities of these minerals, and this is not good economy when large deposits lie unworked and unutilized in the public lands.

Existing laws, in so far as applicable to the minerals described in the bill, have not secured development. It is believed that H. R. 406, if enacted, will encourage and secure their exploitation under conditions beneficial to all. I therefore earnestly recommend that the measure be enacted.

Cordially, yours, FRANKLIN K. LANE.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

JANUARY 8, 1918.

Hon. T. W. GREGORY,
Attorney General of the United States, Washington, D. C.

MY DEAR GEN. GREGORY: Will you be good enough to furnish the committee a report of your views on the following amendment to H. R. 3232?

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith, for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas well resulting from such work at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional well: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States or in any application for patent unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Will you be good enough to let the report show whether or not in your opinion this is all the relief that the oil claimants are entitled to, and report to us fully in the premises? The Committee on the Public Lands are anxious to do full justice to the bona fide claimants in the West, but are anxious that no Government property of any sort shall be sacrificed in an effort to so aid them.

I would like to have this report at your very earliest convenience; and also advise us if in your opinion it would be proper for us to strike out all relief provided in the Senate bill and insert this instead.

With great respect, I am,
Very sincerely, yours,

SCOTT FERRIS.

JANUARY 19, 1918.

Hon. T. W. GREGORY,
The Attorney General.

MY DEAR GEN. GREGORY: I beg to inclose herewith H. R. 3232 and the report thereon. I beg also to inclose Senate 2812 for your consideration and report.

I most respectfully request you to examine the House bill above mentioned critically, with a view of ascertaining if there is anything in the bill that will in any way prejudice the rights of the Government. This bill has twice passed the House of Representatives after critical and careful investigation without a dissenting vote. It has at all times borne a favorable recommendation from the Interior Department. It has on three occasions received the unanimous report of the House Committee on the Public Lands.

Nevertheless, recognizing the importance of the bill and your wide knowledge on the subject gathered from the conduct of suits in connection with some of these lands, I am anxious that you give us a full report thereon.

I understand that the so-called release provision in section 12, page 12, you yourself, the Department of the Interior, and the Navy Department have agreed upon a substitute for that provision, which I hope you will also include in your report.

May I also ask you to make a separate report on Senate 2812, for, as you are aware, the Senate bill is being insisted upon by the oil men and also strenuously contended for by certain of the Senators? I hope you will give us, for use of the committee, your several objections to the Senate bill, as both bills are properly before the committee for consideration and your views on both bills will be helpful.

I am making a similar request of Secretary Lane, who is the administrative officer for these lands, and also of Secretary Daniels, who is interested in certain of the lands in the naval reserve included therein. I would like to have this report at the earliest possible moment, so we can dispose of this legislation.

Very respectfully, yours,

SCOTT FERRIS.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 25, 1918.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your letter of January 19, inclosing for my consideration H. R. 3232 and S. 2812, relating to the disposition of coal, phosphate, oil, gas, and sodium. You request me to examine the House bill critically, with a view to ascertaining whether there is anything in it that will in any way prejudice the rights of the Government. You also desire a statement of my objections to the Senate bill, which you say is being insisted upon by the oil men and also strenuously contended for by certain of the Senators.

By your letter to me of January 8, 1918, you stated that the Committee on Public Lands was desirous of doing full justice to the bona fide claimants in the West, but was also anxious that no Government property of any sort should be sacrified in an effort to aid them, and in this connection you requested my views on a proposed amendment, which you quoted. You particularly requested my opinion as to whether this proposed amendment would provide all the relief to which the oil claimants are entitled and as to whether it might properly be substituted for all relief provided in Senate bill 2812. At the same time you addressed similar letters to the Secretary of the Interior and the Secretary of the Navy. The proposed amendment reads as follows:

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas well resulting from such work, at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the

United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States, or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Following your letter of January 8, the subject was considered and discussed among the two Secretaries and myself, and we concurred in the following views:

I. That there should be substituted for section 16 of S. 2812 the amendment set out in your letter of January 8.

That there should be legislation which would protect the Government as to lands claimed by it adjacent to the wells leased under the proposed section, in order that the oil on these lands might not be exhausted by the operation of the wells leased; that this could be done by providing for the lease or operation by the Government of such adjacent lands; that a similar provision should also be made for the lease or operation of wells and lands recovered by the Government; that incidental to the changes above recommended the words "oil, gas," in line 17, on page 25, in section 30 of S. 2812, should be omitted, as well as the following words in the succeeding lines 18 and 19: "except those reserved for the Navy." It was assumed that section 11 of S. 2812, which provides for prospecting permits, was not intended to apply to established wells and proven oil territory.

II. That the power of the President to withdraw additional lands from entry in case the necessities of the Government require it should not be limited, and, therefore, there should be omitted from S. 2812 the last portion of section 30, reading as follows:

"And none of such lands shall hereafter be withdrawn from the operation of this act for a longer period than one year without the consent of Congress."

That for a like reason section 34 of S. 2812 should be omitted.

III. That the proviso appearing in the last part of section 32 of S. 2812 should be omitted, as it would permit persons whose applications for patents had not been acted on by the Interior Department to put down additional wells; that this would be particularly objectionable as to parties who are charged by the Government with fraud and the validity of whose claims had not been determined by the Interior Department or any court. The proviso reads as follows:

"*Provided, however*, That in order to assist in the production of oil to meet the present emergency pending the final determination of a right to a patent to any oil or gas lands, or the actual granting of a lease upon oil or gas lands, as herein provided, the Secretary of the Interior is hereby authorized to permit increased production of oil under the terms of agreements authorized under the provisions of said act approved August 25, 1914, which act is hereby continued in force for such purpose."

IV. That the words "which work may be done on said locations successively," appearing in section 17 of S. 2812, in lines 3 and 4, page 15, should be omitted, for the reason that the question of successive development of locations is now being judicially considered in the courts of California and by the Interior Department and that, in our judgment, it was undesirable that these issues should be confused or affected by this language which might be construed as legislative construction of the principles involved.

V. That the words "actual knowledge," appearing in the same section (sec. 17) of S. 2812, in line 16 of page 16, should be substituted by the word "notice," as the language used in the bill was in conflict with the long-established principles of law governing the rights of innocent purchasers in good faith for a valuable consideration without notice.

Speaking for myself alone, I think the proposed amendment set out in your letter of the 8th would afford adequate relief to those who in good faith, acting on the advice of counsel that the withdrawal order was unauthorized, or relying on the decisions of the inferior courts to the same effect, expended money in the development of oil and gas wells. Regarding it as a compromise measure I approve it, but it is the limit of liberality to which I think the Government should go in dealing with claimants who are without rights under existing law.

In response to your request in regard to H. R. 3232, I will say:

1. The only compromise measure provided in that bill for settlement of the litigation involving withdrawn oil lands appears in the concluding proviso of section 12 (pp. 12 and 13), which, in granting concessions to claimants to these oil lands, goes far beyond the provisions of section 16 of S. 2812. As to this I can only repeat the view already expressed that the proposed amendment of section 16 of S. 2812, set out in your letter to me of January 8, should be substituted for the proviso just referred to, and that this would necessitate a further provision for lease or operation by the Government of lands adjacent to the wells leased under the provisions of the substitute, and also of wells and lands recovered by the Government.

2. If suggestion 1 should be adopted, then the words "and in lands withdrawn or reserved for military or naval uses or purposes," appearing in lines 7 and 8 of section 1 of H. R. 3232, should be omitted.

3. I assume that section 9 is intended to provide for prospecting and not for the development of lands on which wells are in operation or which is known, because of geological formation or otherwise, to be oil lands, and therefore language should be used in this section which would exclude from its operation all withdrawn oil lands, or some other provision should be inserted in section 9 which would prevent the application of its liberal prospecting provisions to lands known to be oil or gas lands.

4. I confess that I do not quite understand the following language used in the first portion of section 12:

"That all deposits of oil or gas and the unentered lands containing the same and classified as oil or gas lands, or proven to contain such deposits, except, however, those embraced in any prospecting permit during the life of the same, those patented or for which application for patent by the permittee is pending under the provisions hereof, may be leased by the Secretary of the Interior through competitive bidding, etc."

(a) I do not understand just what is meant by "unentered lands." If by this is meant lands not embraced in applications for patents, the provision goes too far, because it would include land upon which a valid discovery has been made and to which the right to a patent has vested, though not applied for, under the existing mining law.

(b) In using the words "classified as oil or gas lands" I do not quite understand how, when, and by whom they are to be "classified," and therefore I do not catch just what is meant by this expression.

(c) By the expression "proven to contain such deposits," I do not quite understand in what manner, by whom, and when the lands are to be "proven."

(d) Among the exceptions are lands "embraced in any prospecting permit during the life of the same." If the prospecting permit provided for in section 9 did not apply to withdrawn oil lands, or if section 9 is restricted in accordance with the suggestion I have made in section 3 hereof, then this exception would seem to be superfluous; but if any restriction is placed on the operation of section 9, this exception would seem to me to be entirely too far-reaching.

(e) The next exception is of those lands "patented or for which application for patent by the permittee is pending under the provisions hereof." I suppose this is intended to apply to lands being prospected under section 9, and if the safeguards I have suggested in regard to that section in section 3 hereof are provided I see no objection to this exception.

If this exception is intended to embrace patents and applications for patents heretofore made under existing law instead of "under the provisions hereof," it is unobjectionable as to patents. As to existing applications which may hereafter be denied, the lands embraced in them would probably fall within the class that the Government would want to lease or operate.

5. The proviso appearing at the end of section 29 indicates that the bill as drawn was intended to apply to naval reserves, and this would seem to be in conflict with the language appearing in lines 7 and 8 of section 1 of the bill which I referred to in section 2 hereof.

For the use of the committee I am preparing a schedule showing every aspect to the litigation referred to. This will be ready in a day or two.

Very sincerely, yours,

T. W. GREGORY,
Attorney General.

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JANUARY 8, 1918.

The SECRETARY OF THE NAVY,
Washington, D. C.

MY DEAR SECRETARY DANIELS: Will you be good enough to furnish the committee a report of your views on the following amendment to H. R. 3232?

"That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith, for the purpose of prospecting for oil or gas, and thereupon commenced the discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas wells resulting from such work, at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof, but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made, and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations."

Will you be good enough to let the report show whether or not in your opinion this is all the relief that the oil claimants are entitled to, and report to us fully in the premises? The Committee on the Public Lands are anxious to do full justice to the bona fide claimants in the West, but are anxious that no Government property of any sort shall be sacrificed in an effort to so aid them.

I would like to have this report at your very earliest convenience, and also advise us if in your opinion it would be proper for us to strike out all relief provided in the Senate bill and insert this instead.

With great respect, I am, very sincerely, yours,

SCOTT FERRIS.

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JANUARY 19, 1918.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy.

MY DEAR MR. SECRETARY DANIELS: I beg to inclose herewith H. R. 3232 and the report thereon. This bill, as you are aware, has twice passed the House without a dissenting vote. This bill has also been three times reported from the House Public Lands Committee without a dissenting vote. This bill has also enjoyed complete approval from the Interior Department during the two preceding Congresses and has been favorably reported on again this Congress. I understand that yourself, Secretary Lane, and Attorney General Gregory have agreed upon a substitute for the relief provision in section 12, at the bottom of page 12 and top of page 13.

Will you be good enough to give us your views on this particular amendment and any objections or recommendations you may have as to any part of the other provisions contained in the bill?

I am also inclosing you herewith Senate bill 2812, which I wish you would examine critically and report to us any objections or recommendations you have thereon. I do this for the purpose that the oil men and the Senate Public Lands Committee are insisting upon the retention of sections 16 and 17 of the Senate bill, and I would be glad to have the benefit of your objections thereto so that both sides of the controversy can be submitted to the committee.

I know you will pardon me for asking for this report as soon as possible so that I may make proper presentation of it to the committee, with the hope of making an early disposition of it.

With great respect, I am,
Very sincerely, yours,

SCOTT FERRIS.

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NAVY DEPARTMENT,
Washington, January 22, 1918.

MY DEAR MR. CHAIRMAN: I beg your indulgence for the delay in making reply to your communications of January 14, 1918, and January 19, 1918. I assure you that it was not due to any failure to realize the importance of the matter.

With regard to the general features of the bill, I would prefer not to be called on to comment. While the Navy Department is deeply concerned in the intelligent development and proper conservation of the Nation's petroleum supply, which enters so vitally, directly and indirectly, into the Navy's requirements, I have repeatedly stated that I do not consider it within my province to make suggestions as to the method of disposing of public lands, except in so far as that action would affect the naval reserves.

The bill as it passed the Senate excluded the naval reserves, and whatever may have been my personal belief in the so-called equities of the claimants, it was not within my province to enter into a discussion of the bill.

In my letter of December 13, 1917, I pointed out what are believed to be certain ambiguities in the wording of H. R. 3232 with reference to the naval reserves. Should it be the intention of your committee, as I believe is from the wording of section 1, that this act is not intended to apply to the naval petroleum reserves, and the wording was so amended as to make it clear that the naval reserves were excluded, I would offer no opposition to the bill.

With regard to sections 16 and 17 of S. 2812 and the proposed substitute section as given in your communication of January 8, my position is fully outlined by the Navy Department's comment of February, 1917, on a similar amendment suggested by Senator SWANSON:

"This department has always maintained that those who entered upon the public land after its withdrawal did so in violation of a valid order, on the chance that the order would be held invalid; and that to grant such men legislative relief would be to reward disregard of law at the expense of the persons who respected the order—the Navy, and the whole Nation.

"In regard to the naval petroleum reserves, we have always insisted that if real equities existed, as is contended, they should be ascertained by a court or a commission and cared for by compensation in money, and the land set aside as a naval reserve should be held for the use of the Navy. I have held the view, and am still of the opinion, that any question of equity with reference to the naval reserve lands ought to be settled in an independent measure and not as an amendment to the general leasing bill. But if it is deemed necessary in the pending legislation to care for, by a method other than the payment of money, the asserted equities of those who, on account of legal advice or lack of knowledge of the law, in good faith, invested money in the development of these lands, I am of the opinion that the proposed amendment would afford substantial relief to all such claimants. It would at the same time save a large part of the land for the Navy.

"This would, in my judgment, give them a greater measure of relief than they are entitled to, but solely because I am unwilling for this contention to prevent the passage of the general leasing bill, which is designed to open to development the natural resources of the West, I shall be satisfied if the measure of relief is limited to that proposed by Senator SWANSON.

"While I consider that this provision offers very liberal relief, I am disposed not to interpose any objection to its adoption in order that the controversy may be expeditiously settled, but justice to the Navy would not permit me to assent to any change that would grant a greater measure of relief or that would authorize a lease to those who do not, within 90 days after the approval of the act, relinquish all rights claimed by them."

There has been nothing in the meantime to change my views in the matter, and it is as a compromise, and only as a compromise, that I would feel that I could assent to the provisions of the proposed substitute.

Sincerely, yours, JOSEPHUS DANIELS.

Hon. SCOTT FERRIS, M. C.,
Chairman Committee on the Public Lands,
House of Representatives, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, December 11, 1917.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 3232, a bill to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The measure is similar to H. R. 16139, Sixty-third Congress, second session, passed by the House of Representatives September 23, 1914, and identical with H. R. 406, Sixty-fourth Congress, passed by the House January 15, 1916. I submitted a favorable report on the latter measure January 3, 1916, and the statements made in that report are applicable to the present measure, H. R. 3232, except that provision has been made for the leasing of deposits of potassium in the public lands by the act of Congress approved October 2, 1917 (Public, No. 49). The provisions of the bill relating to this mineral should therefore be eliminated from H. R. 3232.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEPARTMENTAL REPORT.

It will be observed, in reading the following favorable report from Secretary Lane, that he makes reference to certain sections in H. R. 406, Sixty-fourth Congress, first session, and that these sections are not applicable to the present bill (S. 2812) under consideration. However, as Secretary Lane's report thereon deals with the same subject matter it is printed herewith at length, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1916.

MY DEAR MR. FERRIS: In response to your request for report upon H. R. 406, Sixty-fourth Congress, first session, a bill "To authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, and sodium," I have to advise that, with slight amendments, designed to perfect the measure, it is similar to H. R. 16136, Sixty-third Congress, second session, recommended by this department, by the Committee on the Public Lands, and passed by the House September 23, 1914.

The measure deals with deposits in the public domain which may be classified as fuel and fertilizer minerals, and proposes to encourage and authorize the development of those deposits when found in public lands, national forests, and certain reservations.

Large areas of coal and oil lands have been withdrawn from entry to save their exploitation by monopoly and to await the enactment of legislation better adapted to their development. Large areas of phosphates and potash needed for agricultural development are unworked because of the inadequacy of present laws. The purpose of this bill is to open up all of these deposits for use, on such terms and conditions as will prevent their waste, secure proper methods of operation, encourage exploration and development, and protect the public. The methods provided are designed to make it easy and profitable to mine and market these minerals and to discourage the holding of unworked mineral lands for speculative purposes. It offers to the operator of small capital the same opportunity as the large corporation. It will, it is believed, be an incentive to the development and to the establishment of new industries. The general system proposed has been applied successfully and satisfactorily to the production of oil from Indian lands. In oil and coal lands held in private ownership the leasing system is common practice, and several of the States have provided for the leasing of coal deposits in their school lands.

Section 1 of the bill provides that the existing coal-land laws of the United States may be taken advantage of by those who desire to secure those deposits, or that same may be leased as provided in this bill. One reason for continuing existing coal-land laws in force is that there are many hundred coal claims already initiated under the old law; another reason is that it will give opportunity of choice to the citizen, who can either buy or lease at his option. It is generally believed that large coal operators will prefer to lease, but it was thought that those who prefer to obtain a smaller area under existing laws of purchase should be accorded an opportunity so to do.

Section 3 authorizes the Secretary of the Interior to lease coal lands or deposits in blocks or tracts of from 40 to 2,560 acres to any qualified applicant, and allows railroads to secure leases for limited areas of coal lands for railroad uses and purposes, but not for any other purpose.

Section 4 permits the enlargement of leases to an area not exceeding the maximum of 2,560 acres.

Section 5 permits the consolidation of small leases into a new lease of not exceeding the maximum of 2,560 acres.

Section 6 is designed to meet situations where sufficient contiguous lands to make up a lease are not available.

Section 7 fixes rentals and royalties and provides that the leases shall be for indeterminate periods, upon condition of continued operation, subject, however, to readjustment of terms and conditions at the end of 20-year periods.

Section 8 is designed to permit the mining of limited amounts of coal for local or municipal use, without payment of royalty.

Sections 9 to 13 deal with deposits of oil and gas in the public lands.

Section 9 provides for the issuance of a prospecting permit which will give to any qualified applicant the exclusive right for a fixed period to prospect upon areas varying from 640 to 2,560 acres of land, the permittee being required to perform a specific amount of development work. This provision of law is designed for the protection of those exploring for oil, who, under present laws, have no such protection and who may be deprived of the fruits of their labors by others.

Upon section 10 the permittee who shall have discovered deposits of oil or gas is given a patent for one-fourth of the area included in his prospecting permit.

Section 11 contains provisions designed to prevent waste, protect adjacent lands, and secure the properly restricted development of lands embraced in permits, leases, and patents issued under this act. If enacted, it will obviate some of the abuses which now exist with respect to the development of the oil and gas lands, among them the sapping of oil deposits from adjacent lands and the destruction of same through lack of care of the wells.

Section 12 provides that all deposits of oil or gas and unentered lands containing the same shall be subject to lease through competitive bidding in areas not exceeding 640 acres, upon payment of an annual rental to be accredited against royalties for the current year, and of a royalty fixed in the lease, which shall not be less than one-tenth in amount or value of the production. Leases are to be for a period of 20 years, with a preferential right to renew same for successive periods of 10 years, upon reasonable terms and conditions. The proviso to the section is remedial in its nature, designed to meet existing conditions in the oil fields. There are at present many developed oil wells upon the public domain held by those whose claims are invalid under existing law, for the reason that no discoveries were made prior to the date of the withdrawal of the lands from entry or because the original locators were "dummies." These persons have no legal rights, but their large expenditures and the ensuing development present an equitable situation which this proviso is designed to relieve by giving them the right to secure a lease to the deposits so developed, upon payment of a royalty of not less than one-eighth of the oil or gas.

Section 13 deals with rights of way through the public land and reservations of the United States for oil or gas pipe lines, providing that such rights shall be granted only upon the condition that the lines shall be operated and maintained as common carriers.

Sections 14 to 17 deal with deposits of phosphate or phosphate rock.

Section 14 authorizes the Secretary of the Interior to lease the minerals under such regulations as he may adopt, and section 15 provides that the leases shall not exceed 2,560 acres of land in compact form.

Section 16 provides that leases of phosphates may be for indeterminate periods, subject to adjustment at the end of each 20-year period, leases to be conditioned upon the payment of an annual rental which is to be accredited against royalties for each year and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the mine.

Section 17 grants the right to use a limited area of public land for the development, treatment, and removal of the phosphate deposits.

Sections 18 to 20 deal with deposits of potassium or sodium. These minerals are generally found in the desert areas of the United States, frequently in former lake beds, and their discovery and development are of great public importance.

Section 18 authorizes the granting of a prospecting permit somewhat similar to that provided in the case of oil or gas.

Section 19 grants to the person who shall have discovered one of the minerals claimed under a prospecting permit a patent for a part of the lands included in his permit and provides that all other lands known to contain such deposits shall be leased by the Secretary of the Interior under general regulations and in areas not exceeding 2,560 acres, the leases to be conditioned upon the payment of an annual rental which may be accredited against royalties as they accrue for that year, and upon the payment of a royalty of not less than 2 per cent of the gross value of the output at the point of shipment. Leases are to be for indeterminate periods, upon condition that at the end of each 20-year period readjustment of terms and conditions may be made.

Section 20 grants the right to use a limited tract of unoccupied public land for camp sites, refining works, or other purposes connected with the development of potassium or sodium.

Sections 21 to 31 are general provisions applicable in whole or in part to all of the deposits described in the bill.

Section 21 authorizes the Secretary of the Interior to insert in any prospecting permit appropriate provisions for cancellation of the permit upon failure of the permittee to exercise due diligence in the prospecting work.

Section 22 limits the number of leases which may be held under the act and is designed to avoid monopoly by preventing interlocking interests through stock holdings or through any other direct or indirect means.

Section 23 provides against monopolies in the extraction and resale of the deposits.

Section 24 authorizes the reservation of the right to permit the joint or several use of easements or rights of way through the leased lands, and also permits the United States, in the discretion of the Secretary of the Interior, to dispose of the surface, with a mineral reservation, and subject to the use of so much of the surface as may be necessary by the lessee in extracting or removing the mineral deposits.

Section 25 is also designed to prevent the indirect acquisition of the minerals by a monopoly by providing that there shall be no assignments or subleases except with the consent of the Secretary of the Interior. This section also contains provisions to prevent waste and to insure the exercise of reasonable diligence, skill, and care in operating the property. These and similar provisions have the ultimate object of securing to the consumer the various products at a reasonable price and the preventing of same from passing into monopolistic control.

Section 26 provides for appropriate forfeiture, but safeguards the interests of the lessee by requiring such proceedings to be in the United States court for the district in which the lands or deposits are situate.

Section 27 authorizes the Secretary of the Interior to require statements or reports from lessees.

Section 28 provides that the act shall apply to deposits in lands which may have been disposed of by the United States under laws which reserved the coal, oil, gas, phosphate, potassium, or sodium, with the right to prospect for, mine, and remove the same.

Section 29 devotes the proceeds from leases, first, to the reclamation fund for the construction of irrigation works in the Western States. Upon return of this money, as required by the reclamation law, 50 per cent of the proceeds will go to the State within the boundaries of which the leased lands or deposits were located for the support of public educational institutions or for the construction and maintenance of public roads.

Some of the reasons for these provisions are as follows: In 1902 Congress set apart proceeds of the sales of public lands in the Western States for a reclamation fund. Some 30 projects were started and nearly $100,000,000 have already been expended therein. It will take many millions more to complete them. The receipts from the sales of public lands have diminished greatly in late years, partly owing to the fact that agricultural homestead lands are free to settlers, and partly due to the fact that large areas have been reserved by the Government for forest reserves, water-power sites, national monuments, etc. In 1910 Congress authorized the loan of $20,000,000 to the reclamation fund upon condition that it be repaid. The situation is therefore that present receipts from the sale of public lands are inadequate to complete existing projects or to repay the loan above described. It is essential, therefore, that in order that this may be accomplished, as well as that new projects may be hereafter undertaken, if deemed advisable, that the proceeds from these leases shall go, as have receipts from all other public lands in the past, into the reclamation fund. As stated, the bill provides that upon return of the money 50 per cent shall go to the States for public purposes, an equitable provision when it is considered that in most of the States affected there is need for better educational facilities and improved public highways.

Section 30 authorizes the Secretary of the Interior to prescribe necessary rules and regulations, and section 31 is the repealing clause, also containing provisions to permit claims, valid and existing under present law, to be perfected thereunder.

The present coal-land laws, which provide for the sale in areas not exceeding 160 acres to an individual, 320 acres to an association, and not exceeding 640 acres to four or more persons who have spent $5,000 in development work, at an appraised price of not less than $10 or $20 per acre, according to location, are unsatisfactory in many respects. The maximum area is too small to permit of modern and economical development, and in many instances makes cheap production impossible. It also requires a considerable initial investment by the operator, whereas under a leasing system he would only be required to pay for the coal on a royalty basis as it is extracted. The bill also makes provision for the prevention of waste and the safeguarding of the interests of those engaged in mining work.

Oil and gas lands or deposits are now subject to location and entry under the placer mining laws. These laws have been generally unsatisfactory both from the standpoint of the prospectors and operators and of the Government. There is nothing in the present law to protect the prospector during the preliminary period, when through the expenditure of large capital he is engaged in drilling, and the limitations as to acreage contained in the existing laws are also a temptation to evade, through the use of dummy locations.

A leasing measure permitting the acquisition of larger areas, protecting the developer, and requiring payment to be made only upon production will not only conform more nearly to the customs of private development but will, it is believed, be fairer to both the operator and the Government.

The largest production of phosphates up to the present time has been in the State of Florida, with considerable quantities also produced in Tennessee and South Carolina. Immense deposits of this valuable fertilizer mineral were found in Idaho, Montana, Utah, and Wyoming in 1906, but these lands have been withdrawn since 1908, awaiting the enactment of laws adapted to their development.

As with the oil and gas, the lode and placer mining laws of the United States do not fit these phosphate deposits, and this measure will, in the opinion of the department, secure the development of these valuable deposits under reasonable terms and conditions. The same is true of the potassium or sodium deposits found chiefly in the Great Basin in the western United States, which are not being developed under existing laws, but whose extraction is of great public importance. In fact, the necessity for encouraging the discovery and production of these fertilizer minerals can hardly be overstated. They are badly needed to renew worn-out soils and to increase or maintain our agricultural production. In the past the United States has imported large quantities of these minerals, and this is not good economy when large deposits lie unworked and unutilized in the public lands.

Existing laws, in so far as applicable to the minerals described in the bill, have not secured development. It is believed that H. R. 406, if enacted, will encourage and secure their exploitation under conditions beneficial to all. I therefore earnestly recommend that the measure be enacted.

Cordially, yours, FRANKLIN K. LANE.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

Mr. MONDELL. Mr. Chairman, at this late day any defense of the placer act so far as it relates to oil lands is superfluous and useless. It is proposed to lease lands rather than patent them. The question of the character of the placer law is a question behind us, except as it applies to certain unperfected claims, and I did not intend to discuss that feature at all; but gentlemen insist during the course of the debate on making statements that are not borne out by the facts with regard to the placer law as it applies to oil lands, and therefore a few words on that subject may not be amiss. It is true that under that law eight men can locate great areas. However, we have had that law as applied to oil lands on the statute books for over 20 years, and in all the United States there has been patented but a few thousand acres of oil lands. We do not know the exact acreage, but probably between ten and twelve thousand acres. Now, a law that allows men to grab everything in sight, as gentlemen insist, ought to produce results in ownership of more than that amount of acreage in that length of time.

The fact is that the oil-placer act was a very good law, and is to-day, as it applies to oil lands, and we would get large development under it if the withdrawals were restored. It is a law that is self-enforcing by reason of the fact that if a man does not get busy and keep busy some one is likely to take his claim away from him. The expense of drilling an oil well is so considerable, the expense of the development of oil land is so large, the chances are so great, that under that statute men have not generally been able to hold any considerable acreages of land, however much they may have filed upon at one time. I have seen hundreds of thousands of acres filed on and all the claims evaporated within 12 months. But I did not intend to discuss that feature of the situation. We are proposing to go to a leasing law, and so the question of whether the placer act as applied to oil land is a good one is largely behind us.

I am somewhat responsible for the placer act, having introduced the bill at the time when the Interior Department held we had no law under which oil lands could be patented, and therefore I am inclined to rise to its defense.

THE PENDING BILL.

Now, as to the bill before us, those who are familiar with the conditions under which legislation is initiated, developed, and perfected realize that conditions may arise under which proposed legislation may be presented in a form that is not entirely satisfactory in all its details even to a majority of those who in a way stand sponsor for it as members of a committee reporting it.

Conditions may arise, particularly in the case of legislation which is oft proposed and long deferred relative to certain features of which there are strong and marked differences of opinion, in which precedent, the complicated character of the problems to be solved, and the desire to reach some common ground of agreement relative to sharply controverted questions, produce a legislative situation not clearly intelligible to one not familiar with the complexities of the problems to be met or the tangle of conflicting opinions out of which it is impossible to secure an ideal situation.

These observations may, I think, be made applicable to the pending coal and oil leasing bill without betraying any confidences or involving any criticism.

I doubt if anyone fully approves all the provisions of this bill, and the objections to it relate about equally to what it contains and what it omits, what it proposes and what it fails to provide for.

This is the third time the House has attempted legislation along these lines, and naturally the committee having the matter in charge is disposed to adhere in the main to the plan and purpose of the measure as heretofore presented, and that the committee has done.

It is true that since the subject was discussed at former sessions the situation has materially changed. When a similar measure was before the House in the Sixty-third Congress and again in the Sixty-fourth, there was not any very general or widespread activity in oil development on the public lands, and what development there was was not as seriously affected as now by the withdrawal from entry of lands proven, assumed, or believed to afford favorable opportunities for oil production.

In the situation thus formerly presented comparatively little interest was taken by the people of the public-land States in the general provisions of the bill as they related to oil lands, or those provisions of the bill which affected the holdings of the ordinary locator or claimant outside of withdrawals or in recently withdrawn areas where the effect of withdrawals was not clearly defined or generally known.

In the last two or three years, however, there has been a very great increase in activity, in location, and development of public lands believed to contain oil, and withdrawals have regularly followed on the heels of location and development. In this situation a very large number of people, particularly in Wyoming and adjacent States, have become aroused to their very lively interest in the general provisions of the oil-leasing bill and in the provisions intended to reasonably protect those who have gone on the public domain in good faith for the purpose of discovering oil. It has come to be generally realized that claims were seriously threatened by a measure which asserts an adverse claim on the part of the Government likely to place in serious jeopardy the rights of those who have not been able to make such a discovery as under the rulings of the Interior Department entitle them to a patent.

On the two former occasions when the matter has been before Congress I have endeavored to point out the faults of omission and commission in the legislation, for I have clearly foreseen the unfortunate results that would arise out of its enactment as proposed, both in denial of the rights of locators and in undue restriction of opportunities for satisfactory future development, but the task was a difficult one owing to the lack of general interest to which I have referred among the comparatively few people then affected as locators or prospectors in oil development.

The entire subject of oil development on the public lands from the beginning of the definite attempts to enact leasing legislation, and particularly since the decision of the Supreme Court in the Mid-West case effecting the early withdrawals, has been largely colored and confused by the conditions surrounding a very few but valuable tracts of oil land in California and Wyoming.

At the time of the hearings on the first bill the discussion was confined largely to the relief provisions of the bill as affecting the California lands. There was some discussion of the similar Wyoming situation, but comparatively little. The committee listened to the arguments at very great length with regard to the California situation. I think I was the only one, other than the representatives of the department, who appeared before the committee to discuss the general provisions of the bill and the relief feature as it affected the small or ordinary claimant or locator.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I yield.

Mr. RAKER. Does the gentleman refer to the first hearings on the bill some years ago?

Mr. MONDELL. Yes.

Mr. RAKER. Really as a matter of fact the question of the situation in California was never fully presented to the committee until this last hearing. We had hearings on the general leasing bill, it is true, but the hearings were not had on the California situation until the last three months.

Mr. MONDELL. The gentleman has been a member of the committee all the time and knows a great deal about it, but the gentleman has evidently forgotten that there was a considerable hearing on the California situation before the committee at the time the bill was first considered. When the bill was discussed in the House, I think I was the only one who seriously criticized its provisions at that time on the floor.

The Senate took no action on that bill. Later, in the next Congress, the bill was again taken up, and again our California friends appeared and presented their views, and the Wyoming situation, so far as it affected certain large interests, was presented at length. Between the first and the second period the Supreme Court decision in the so-called Mid-West case had been rendered, so that when the bill was taken up by the committee the second time interests of great value were in very serious jeopardy. They were in the lion's jaw, and they needed relief. They had secured some temporary relief, to which the gentleman from Oklahoma [Mr. FERRIS] has referred, but they needed further relief and definite relief under the bill.

The hearings were largely on the subject of relief for the large operators, representing a very limited acreage compared with the total acreage of oil lands, but of very great value.

Again, I think I was the only one who appeared before the committee, other than the department people, to discuss the general features of the bill, and again I presented the case of the small locator and operator.

Again the bill was discussed in the House, and again I called attention to some of the errors of the bill as I saw them, and of the failure to provide adequate relief, particularly for the small and ordinary locator, the man who was not able to come here to present his case, but who represented the very great majority of all the acreage that was placed in jeopardy by the legislation. Gentlemen will recall we discussed that bill at length and secured some important amendments, but still the bill as it passed the House was far from satisfactory.

Again the bill failed in the Senate.

In the present Congress the Senate reported a bill based substantially on the House bill, but with some amendments that improved it and some modifications that did not improve it.

The House committee has taken that bill, stricken out all after the enacting clause, and inserted the bill largely in the form in which it passed the House twice, with, however, some important amendments and modifications.

When the bill was before the House on previous occasions I offered a number of amendments. Some of those amendments were adopted. More of them were not. The bill, as now presented by the Public Lands Committee, has adopted several of the propositions which I presented, either before the committee or on the floor of the House, on the two former occasions when the legislation was considered. It has adopted the plan which I had insisted upon from the beginning and which the oil men approved—that this oil-leasing bill should be an oil-leasing bill in fact as well as in name, and that there should be no provision for patenting under its prospecting or permit feature. One very important and rather surprising modification of the bill as now presented is contained in section 12 in lieu of certain provisions in section 12 of the bill as it passed the House before. The new provision is much less favorable than the former provision. It proposes relief so ridiculously inadequate that one not familiar with the conflicting influences that have brought about the change would be sorely puzzled to know how it happened.

One thing is certain, the new provisions of relief in section 12 are not only entirely inadequate, manifestly unfair and unjust to those affected by them, but they would not provide a condition favorable to the public interest.

While this is all true, it is also true that under existing circumstances and conditions it will not, in all probability, be possible to change these provisions in the House. I think those most interested in and affected by these provisions realize this fact. This is one of the features of the legislation which, it seems, must be cured, if at all, in the conference.

During the recent hearings, as the members of the committee know, the Wyoming folks having become thoroughly aroused to the situation, realizing their very great interest in the legislation as locators and operators, appeared before the committee and presented their views at length. I want to say for the committee, on behalf of our Wyoming people and all others, that a committee never listened with greater patience, with better good nature, to a long drawn out and long continued hearing and argument than in the case of the hearing on this bill. I can only regard, as I am sure many others will, that after having listened to that discussion, to the arguments very earnestly and eloquently and forcibly presented, the committee were not more fully converted than they appear to have been, judged by the result as presented in the bill. I shall continue to believe that the majority of the committee were more fully convinced in their judgment than is evidenced by the bill as now presented to us.

I have given a good deal of thought to the question as to what my attitude shall be toward this measure. I am one of the few western men who long since came to the conclusion that oil and coal leasing legislation was inevitable, and that proper legislation, wisely administered, would in some respects be beneficial to all concerned. Therefore I have supported this bill, although at times there has been very little of detail in it which I fully approved. I have about made up my mind that I shall offer few, if any, amendments, though I shall support some that will be offered. As we go through the bill I shall present, as the sections are taken up, my view of the manner in which the legislation could be improved. Having done that I think it is the part of wisdom under existing conditions not to insist upon a vote on many amendments. Because while I realize—and I am very frank in my statement, because the chairman of the committee was—that there are members of the committee who would agree to the wisdom of some of the amendments that might be offered, I also realize that the com-

mittee is bound by a very proper agreement to adhere in the main to the bill as it has been reported. I do hope, however, that elsewhere than here, after the House has passed the bill, it will have consideration in a smaller body of men, who can sit down dispassionately, without prejudice, without bias, without being dragged hither and yon by this influence or that, and endeavor to get out of this legislation something that will be workable for the future, and something that will be reasonably fair to the locator and to the developer now upon the oil lands of the country.

Mr. LONGWORTH. In other words, to adopt some of the many amendments which the gentleman will not offer.

Mr. MONDELL. Or, to put it a little more correctly, to adopt some of the suggestions which I shall make from time to time as we reach the various sections of the bill. The western operators—that is, those who represented more especially the smaller locators, oil companies, and associations—agreed upon a series of amendments which they presented to the committee. I believe that practically all of those amendments were wise. Quite a number of them have been adopted in a more or less modified form and appear in this bill. I believe they all ought finally, possibly in somewhat modified form, be adopted and made a part of the legislation as it shall be crystallized in the law.

It is a very unfortunate thing that this tremendously important matter of oil and coal leasing should from the very beginning have been colored and clouded and affected by the fact that there were a few very large interests in tremendous straits and in real jeopardy, men who had gone on, as far as I know, in perfect good faith and spent their money and made large and tremendously useful and helpful developments and whose investments and earnings and gains were in very great jeopardy.

This is tremendously important legislation outside of the question of the rights of a few large operators. And yet, curiously enough, the main general features of the bill have been comparatively little discussed. I believe that on the floor of the House I have discussed them more than all others combined. I think I have presented them before the committee more fully than they have been presented by anyone else, perhaps by all others. I have done that because I have had some experience with coal and oil development, and my State contains vast areas of valuable coal and oil lands. It contains vast areas of land that we believe will prove to be valuable for oil and very considerable areas whose oil values have already been developed. It is tremendously important that this law as it affects the men who shall take advantage of it in the future shall be a reasonably workable law. It is even more important that it recognize and fairly protect present claimants and locators.

I have been particularly interested for and on behalf of the small oil locator and operator, the ordinary citizen who has gone out on the public domain as a wildcatter, using what information he had with regard to the geological structures, making the best guess he could, as prospectors always have from the beginning of oil development, setting his stake, sinking his prospect hole, doing his assessment work, and then seeking for capital to develop his property.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. Is it not a fact that under the placer-mining law anyone has to be a citizen of the United States before he can locate, and the question about big locators or corporations can only take place after the locator has made his location and sold to some one else?

Mr. MONDELL. I do not know about all the oil locations that have been made, of course; but, so far as I know, the locations made under the placer act have, in the main, been made by men of moderate or limited means.

Mr. RAKER. Is it not a further fact that in practically all the placer locations of oil land, leaving out minerals, gold, and so forth, they have reaped the benefits of their sales to those who assisted them in the development of the oil claim in the way of drilling holes, and so forth?

Mr. MONDELL. The gentleman's question is, Have they received the benefits?

Mr. RAKER. Yes.

Mr. MONDELL. In some cases they have and in some cases no one has received any benefit, for there is no greater game of chance known among men under heaven than that of oil drilling. It is an extraordinary thing that money can be found for oil development on the merest suspicion that oil may be found, and frequently in cases where men who ought to know have repeatedly declared that oil never will be found. But it appeals to the citizen who likes to take a chance, and so men of limited means have gone on in making their locations; they have been enabled in many cases to secure capital for the development, and while in many cases no paying development has followed, in many other cases oil has been found and fields developed where geologists have said there was not the slightest hope of such development.

Mr. RAKER. As a matter of fact, from the testimony in the hearings all these fields have been discovered by men on the ground drilling the well without geological information.

Mr. MONDELL. I am glad the gentleman asked me that question, because there is so much misinformation in the public mind relative to the so-called withdrawals. Some people are of the opinion that the Government has sent out large numbers of men learned in geology, competent to locate oil fields, and that they have so located them and that then the Government has withdrawn the land. I know of no case where any lands have been withdrawn until the wildcatter, the local locator, had set his stakes, began development, and had evidenced his determination to try it out. Generally the withdrawal order has not issued until somewhere on such an area some fellow, more lucky than his neighbors, has been able to make a discovery, whereupon the withdrawal order covered all the territory.

Now, if these lands were copper lands, if they were gold lands, if they contained any other mineral than oil, the merest suspicion of discovery would fix the right of the locator so that no withdrawal could affect him. But owing to the rulings and decisions as to what constitutes an oil discovery, unless the locator has sunk his well deep enough to get oil in very considerable and unquestioned quantities, his right is likely to be challenged, and therefore the withdrawal order operates as an adverse right or claim, depriving him under the rulings of the department of any right in the premises.

In my State and surrounding States the locations have progressed all the way from the driving of the first stake to the setting up of the rig and the expenditure of very great sums of money in the effort to find oil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LA FOLLETTE. I yield to the gentleman from Wyoming five minutes more.

Mr. MONDELL. But in every case where there has not been an unquestioned and unchallenged discovery the withdrawal operates as an adverse right, and the claimant is likely to lose all of his time, all of his labor, and all of his investment. That is the situation affecting hundreds and thousands of locators, claimants, and investors whom we have sought to protect in this legislation. I regret to say that while the committee has inserted provisions in the bill that will afford some relief and be of some value, there is no provision in the bill which gives full protection and relief, either to the ordinary locator, claimant, or investor, or to the large interests who have made extensive development. It is my hope that this will be remedied before the bill is crystallized into law.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. The gentleman is familiar with the subject, and has been for the last 15 or 20 years, and I want to ask if it is not a fact that while there have been some instances of considerable valuable property taken out in a number of locations, yet the actual money expended in the development and prospecting for oil in the last 20 years is almost equal to that which has been produced?

Mr. MONDELL. I do not think there is anyone who is competent to answer that question. That is a matter of opinion. Offhand, I should say there has been more money invested in oil stocks, spent in one way and another, directly or indirectly, in oil promotion and development, than has been returned by the oil produced. I am not sure that that is not true of all mineral development. It is this fact of that element of chance that has led our people, and that is why our people, anxious to encourage mineral developments so valuable and necessary to the Nation, have always had very liberal laws with regard to them.

We have tried to encourage the men of ambition, the men of energy, the men willing to rough it and take a chance, and so we have opened to them every opportunity. The prizes are rare as the prizes of one of the old-time lotteries, but at times they are greater than any other industrial prizes that can be won by man, and it is because of the fact that here and there was the possibility of a great prize luring men on that thousands and hundreds of thousands of men took their packs on their backs and their lives in their hands and went out into the hills, into the deserts, over trackless wastes and developed the great

mines and oil fields, the great reservoirs of mineral wealth that have had so much to do with making us a great and powerful and rich and, in this great war, a useful and helpful Nation. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2896. An act for the relief of Elizabeth Marsh Watkins.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLETCHER, Mr. RANSDELL, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, had insisted upon its amendments, had asked a conference with the House on the bill and amendments, and had appointed Mr. TILLMAN, Mr. SWANSON, Mr. SMITH of Maryland, Mr. PENROSE, and Mr. LODGE as the conferees on the part of the Senate.

OIL AND COAL BILL.

The committee resumed its session.

Mr. LA FOLLETTE. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, in view of the agreement of the committee upon this bill, and the fact that practically no opposition to it is anticipated, and the desire of the committee to put the bill upon its passage as soon as possible, I had not expected to say anything upon it. There were no controverted questions that were expected to be brought on the floor of the House. There were a great many in the committee. Those matters have been settled by compromise and agreement, and they have been settled, as the chairman said, in such a way as to receive the acquiescence of the oil men of Wyoming and California, but not with the conviction on their part that absolute justice and equity have been accorded them.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. MONDELL. I think it can scarcely be said that the oil men of my State at least have acquiesced in the action of the committee in the relief measures. I think quite the opposite is true.

Mr. ELSTON. If the gentleman will permit me, I shall amend that by substituting the word "suffered."

Mr. MONDELL. I think they have suffered.

Mr. ELSTON. They have suffered this situation to develop as it has. They found that a deadlock would occur if they had persisted, and if a large majority of the committee had adhered to what they believed was the justice of the oil men's contention, a situation would have developed that probably would have barred any legislation at all. This bill contains a good deal more subject matter than that of relief to the oil operators of the West. The great scope of it covers a new theory in the leasing of public lands, in so far as the mineral content of them is concerned, and that is a tremendous subject. It is a subject of great importance, which has appealed to all of the conservationists of the land. It would be a tremendous disappointment to them if this bill now so favorably upon its passage should be stayed in any way by the delay in settling questions of justice to the California and Wyoming oil men. Realizing that, and submerging their own matters to the general good, the oil men have, as I say, submitted to superior considerations, and I believe that there will be no opposition on the floor to the passage of this bill. It is perfectly obvious, however, that adequate justice has not been done to the oil operators of the West. In a way the unfortunate situation in which they found themselves when the initial withdrawal order of 1909 was made was practically the fault of the United States Government in not providing an adequate law under which oil locations could be made.

For 50 years there has been either by custom or by legislative enactment a means by which locations could be made by those who discovered gold either upon the surface loose in the gravel or in the solid rock itself. When oil was discovered about 25 years ago the only analogy that the prospector could go by to locate his claim was the placer-mining law, with which he was familiar. For many years such locations were made under the placer-mining law, but it was not till 1897 that Congress passed an act expressly sanctioning such procedure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LA FOLLETTE. I yield five minutes additional time to the gentleman.

Mr. ELSTON. It practically validated a custom under which he had operated, so far as oil locations were concerned, for many years theretofore. Now, he was pursuing that legal method of location in 1909, when the first withdrawal was made, and he found himself in a situation largely due to the inadequacy of the placer-mining law as applied to oil locations. It was not the result of a conspiracy; it was not the result of any malignant act; it was the result of an honest effort to prospect for oil and locate oil claims under an act that did not fit the case. Twice this House has passed legislation that gave them a measure of relief. In effect, upon relinquishment to the Government of their asserted title, it gave them the whole of their claims, not exceeding 640 acres, upon a royalty of one-eighth of the oil produced.

Now comes this bill abating the relief accorded to them twice by unanimous vote of the House, and restricts them to the producing wells upon their claims. The oil men still contend that this is not all they should have. It may be all they can get in view of the legislative situation and in view of the attitude of the departments. It is not what we ought to have. We are impelled to it by the tremendous menace to our industries in California by reason of delay in getting some kind of action, however unsatisfactory it may be. In California at the present time there is a deficit of 38,000 barrels of oil per day. The stocks which have accumulated for many years previous are now practically depleted. The great Southern Pacific Railway and other railway systems have only 10 days' supply ahead. The coast newspapers have been warned by the Oil Administrator that in all likelihood their supply of fuel oil must stop unless there be a larger production soon. A great calamity to all Pacific-coast industries impends, and can only be averted by the immediate opening of new wells. The withdrawn areas offer the only field for such new production. Naval reserve No. 2, in which there are many private holdings, must contribute its share. In fact it represents the only certain source of relief. The situation was such, therefore, that upon the faith of assurances given by the departments that added production would come under this relief section we suffered this relief legislation to go through the committee without opposing it. But we hold the departments to the implied promises and the encouraging assurances given to us. By virtue of the large relief powers herein given to the President, and under the wide discretion granted to him to permit larger production, we confidently expect considerate treatment of the California oil industry, upon which depends the industrial life of the Pacific coast. [Applause.]

Mr. FERRIS. As I understand, there will be no more speeches over on that side. There will only be one over on this side, and I yield the remainder of my time, or such part as he may desire, to the gentleman from Alaska [Mr. SULZER].

Mr. SULZER. Mr. Chairman and gentlemen, the conditions existing in Alaska have been given consideration in this bill, and the Territory has been treated with liberality such as will, we hope, bring about a local production of oil for the needs of the Territory, and possibly add to the supplies for the States. The potential fuel resources of the Territory are great, but nothing can be said in this connection definitely or with accuracy regarding any particular claim until the pioneer work of exploration and development is done, or until, by the actual production and marketing of coal and oil, the geological conditions, the costs of operation, transportation, and markets are determined. All the numerous factors which enter into the production of fuel in Alaska must be determined by actual mining experience, and, unfortunately, up to this time this has been of a very limited nature. In addition, it must be considered that Alaska still remains largely a virgin land, in the far North, where it is necessary that every inducement be offered to encourage development, not only because many unknown factors and uncertainties involve a greater risk, but also because the physical conditions under which operations must be conducted are, in most instances, greater than in the States. These facts were carefully considered by the committee and the terms of the bill were made more liberal, as applied to Alaska, in order to induce immediate development and thus provide a supply of oil for the very urgent local needs that exist in Alaska at this time.

The raw materials produced in Alaska are of vital necessity to the Government in the prosecution of the war, and in order to present to you concisely how valuable a rôle Alaska is playing in the activities of the country at this time I will read the list of products shipped from Alaska during the year 1917, as given

in the annual report of the collector of customs, which is as follows:

Value of merchandise and gold and silver shipped from Alaska to United States, 1917.

	Quantity.	Value.
MINERAL PRODUCTS.		
Tin ore, pounds	219,894	$114,462
Tungsten ore, pounds	20,160	19,550
Antimony ore, pounds	70,852	8,973
Lead ore, pounds	1,595,683	121,946
Lead bullion, pounds	122,339	9,156
Gold and silver		14,939,440
Copper ore, pounds	100,740,856	27,243,510
Gypsum, tons	10,950	43,800
Marble		72,403
FISH PRODUCTS.		
Fresh, pounds	12,747,266	1,112,602
Dried or cured, pounds	6,524,525	292,805
Pickles, barrels	27,964	295,621
Salmon, canned, pounds	265,452,307	41,478,514
Salmon, all other, pounds	16,641,213	1,296,224
Herring, canned, pounds	1,663,580	243,549
Clams, canned, pounds	1,997,019	261,245
Shrimp, pounds	83,930	8,232
Fish fertilizer, tons	1,196	37,752
Fish and whale oil, gallons	1,015,167	706,674
All other fish		60,264
OTHER PRODUCTS.		
Fur and fur skins		379,580
Reindeer meat, pounds	38,295	6,531
Turnips, pounds	249,767	4,929
All other merchandise		64,072

This year Alaska is adding another most valuable product to her list of war supplies, producing millions of feet of the very finest aeroplane spruce lumber that can be found anywhere.

FROM TIN TO TURNIPS.

From tin to turnips, these products are of great essential value and most of them are vital requirements in the prosecution of the war. Doubtless many will be surprised to know that Alaska numbers turnips among her exports, yet the truth is that Alaska contains wonderful agricultural possibilities. Thousands of tons of potatoes and other vegetables were raised and consumed in the Territory last year, and wheat is grown and matured successfully, giving a yield of more than 50 bushels per acre. Also it probably is not widely known that Alaska produces the only commercial tin on the continent, and that antimony, tungsten, and many other of the rarer metals are widely distributed throughout the Territory. While many of these developments are in their infancy, and while production is small, they are nevertheless very important.

It is in copper and gold and fish that Alaska is making its big contribution at this time. During the year 1917 Alaska produced 300,000,000 cans of salmon, a considerable portion not being shipped out until 1918. Think of it! If these cans were placed end to end they would encircle the globe at the equator, with several thousand miles to spare. You are all familiar with Pennsylvania Avenue, and if the Alaska salmon pack for 1917 were stacked up on Pennsylvania Avenue it would fill that broad thoroughfare from the Peace Monument to the Treasury, from curb to curb, to a depth of 4 feet. It would make a compact mass of salmon 1 mile long, 150 feet wide, and 4 feet thick. Or—another illustration of the magnitude of the salmon yield of Alaska—if loaded in freight cars, with every car filled to capacity, it would require a train of 5,000 cars. This enormous supply of food is dependent upon an adequate supply of oil. Without a supply of gasoline and distillate this great food supply would come to an end. This bill, if it becomes a law, will assure an adequate supply of oil for this industry.

Some people still imagine Alaska is only a land of ice and snow, with some fabulous gold mines to add a touch of romance. This is a mistake. The romance is largely a thing of the past, recorded in story books and the motion pictures made on the sun-kissed shores of California. Alaska is in the same latitudes as Scotland, Norway, Sweden, and Finland. Our principal cities are no farther north than Edinburgh, Copenhagen, Christiania, Stockholm, or Petrograd. Those countries and cities of northern Europe contain millions of people following all the various pursuits of modern life, and all are prosperous. You do not think it strange that they should have large agricultural and industrial development. Why, then, should not the same thing be true regarding our own great Territory of Alaska? There is no reason; and the actually demonstrated fact is that the natural conditions in Alaska are just as favorable as the natural conditions in the countries of northern Europe. The real fact is that in some respects the natural conditions in Alaska are far more favorable than in the European countries of the same latitudes. The Japanese current has a most temperate action on all the southern coast of Alaska for thousands of miles.

Having resided in Alaska for 15 years, and having spent 15 winters within the Territory, I was somewhat surprised to find it colder in this capital city of Washington during the past winter than I had ever experienced in Alaska. Of course that is not true of all Alaska. There are sections there where the thermometer at rare intervals registers 80° below zero, and the greater part of Alaska experiences very cold winters; but you must not forget that Alaska is a big country; that its range of latitude is as great as that from Key West to the northernmost point of Maine. If you superimpose a map of Alaska on a map of the United States of the same scale, you will find it will touch both oceans and the Canadian and Mexican borders.

Alaska has a coast line of 26,000 miles, and this enormous coast is one gigantic fishery, yielding a greater quantity of sea products than all the remainder of the Pacific Ocean. These great fisheries are practically all absolutely dependent upon the modern motor-power vessel, and the fishing fleet of Alaska is developed to the highest point of efficiency in all respects. Therefore practically every fish caught in Alaskan waters in the commercial fisheries is contingent upon an adequate supply of oil.

Our great gold dredges and mining mills and our transportation facilities are very largely dependent upon a supply of oil. All industrial and commercial life to-day is dependent upon fuel. This is the age of machinery, and machinery is powerless without fuel.

Heretofore we have been unable to develop and use the great potential fuel resources of Alaska. They are lying dormant, as they have lain for thousands of years, and in that condition they are of no value to anyone. We have been forced to import our oil from California and our coal supplies from British Columbia, Washington, Wyoming, and even from Japan and Australia. Millions of tons of coal and millions of gallons of oil have been shipped to Alaska, whereas every economic reason requires that the reverse should be the case.

The following tables give the quantities of coal and oil shipped to Alaska during the past several years:

COAL.

Coal consumed in Alaska, 1899 to 1916 (in short tons).

[From United States Geological Survey Bulletin 662–A.]

Year.	Imported from States, chiefly bituminous, from Washington.	Produced in Alaska, chiefly subbituminous and lignite.	Total domestic, chiefly from Washington.	Total foreign coal, chiefly bituminous, from British Columbia.[1]	Total coal consumed.
1899	10,000	1,200	11,200	50,120	61,320
1900	15,048	1,200	16,248	56,623	72,871
1901	24,000	1,300	25,300	77,674	102,974
1902	40,000	2,212	42,212	68,363	110,575
1903	64,626	1,447	66,073	60,605	126,678
1904	36,689	1,694	38,383	76,815	115,198
1905	67,713	3,774	71,487	72,567	144,054
1906	69,493	5,541	75,034	47,590	122,624
1907	46,246	10,139	56,385	88,596	144,981
1908	23,893	3,107	27,000	72,831	99,831
1909	33,112	2,800	35,912	74,316	110,228
1910	32,138	1,000	33,138	73,904	107,042
1911	32,255	900	33,155	88,573	121,728
1912	27,767	355	28,122	59,804	87,926
1913	61,666	2,300	63,966	60,600	124,565
1914	41,509	.....	41,509	21,883	63,391
1915	46,329	1,400	47,729	36,878	84,607
1916	44,934	[2]12,200	57,134	36,454	93,588
Total	717,418	52,569	769,987	1,124,195	1,894,182

[1] By fiscal years ending June 30.
[2] Estimated. About 75 per cent of this production is bituminous.

OIL.

Petroleum products shipped to Alaska from other parts of the United States, 1905–1916 (in gallons).

[From United States Geological Survey Bulletin 662–A.]

Year.	Oil used for fuel, including crude oil, gas oil, residuum, etc.	Gasoline, including all lighter products of distillation.	Illuminating oil.	Lubricating oil.
1905	2,715,974	713,496	627,391	83,319
1906	2,688,940	580,978	568,033	83,992
1907	9,104,300	636,881	510,145	100,145
1908	11,891,375	939,424	566,538	94,542
1909	14,119,102	746,930	531,727	85,687
1910	19,143,091	788,154	620,972	104,512
1911	20,878,843	1,238,865	423,750	100,141
1912	15,523,555	2,739,739	672,176	154,565
1913	15,682,412	1,735,658	661,656	150,918
1914	18,601,344	2,878,723	731,146	191,876
1915	16,910,012	2,413,962	513,075	271,981
1916	23,555,811	2,844,801	732,369	373,048
	170,814,799	18,254,611	7,165,038	1,794,714
1917	20,253,167	3,256,870	750,238	465,693

Mr. RAKER. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from California.

Mr. RAKER. The gentleman being on the committee and having given such careful and diligent attention to the proceedings before the committee, not only to the general leasing bill, but particularly to Alaska as relating to the coal lands and oil lands in that Territory, and particularly the repealing clause, I want to ask the gentleman if the language of the bill as reported by the committee is not, in his mind, such that it will give to Alaska some real relief?

Mr. SULZER. I think it will, undoubtedly. At the present time we have absolutely no oil development in that Territory and can not have any, because the entire Territory, a matter of some 600,000 square miles, has been withdrawn so far as any of it may contain oil.

Mr. RAKER. I remember the gentleman's particularly deep interest in the matter before the committee in regard to the Alaskan feature so far as it relates to the oil. The gentleman feels now that those provisions he succeeded in getting into the bill will practically relieve the Alaskan situation?

Mr. SULZER. I think so, and I certainly hope so.

Mr. Chairman, practically all the coal and oil used in Alaska is shipped from great distances, and the charges are very heavy, and this condition creates a prohibitive cost for all ordinary operations and confines development to the richer resources, known as bonanzas. Only the very rich placer-gold ground, the very rich and favorably located copper and rarer metals deposits, and the richer portions of the great fisheries can be worked under the present excessive costs of fuel. It is not only a question of high costs, but the impossibility of obtaining imports of fuel, in many cases, under any circumstances. The oil situation in California is becoming acute, and any day may bring about a suspension of shipments to Alaska and thereby end the great production of our fisheries, so essential in sustaining our land and naval forces and those of our allies.

Without cheap fuel no great development can take place anywhere, even in a tropical country, much less in Alaska. Fuel is the foundation of the business structure to-day, and Alaska has made a wonderful showing, when it is considered that her activities have been carried on for years while her fuel resources have been locked up. This is one of the greatest difficulties under which Alaska has been struggling, and this difficulty accounts largely for the fact that there are to-day less than 50,000 white people in Alaska, after it has been under the American flag for more than 50 years. There should be hundreds of thousands of people in Alaska, and with adequate development of our fuel resources we would have them.

The known oil fields of Alaska are described by Maj. Alfred H. Brooks, formerly chief of the Alaska division of the United States Geological Survey, in Bulletin 666P. Maj. Brooks, undoubtedly, has a more intimate knowledge of Alaskan geology and geography than any other person. The study of Alaska has been his life work and we have come to call him our own, and consider as one of Alaska's important contributions to the successful prosecution of the war the able services of Maj. Brooks as a member of the staff of Gen. Pershing in France.

On page 13 of the bulletin which I have mentioned, Maj. Brooks speaks of the Alaska oil fields as follows:

Petroleum has been found in four districts along the Alaska seaboard. These are the Yakataga field, which is comparatively inaccessible on account of the lack of a harbor; the Katalla field, which is the only one that is producing oil and which can be made tributary to Controller Bay without great expense for construction and without great loss of time, or can be reached by an easily constructed 60-mile branch from the Copper River Railroad; the Iniskin Bay field, on Cook Inlet; and the Cold Bay field, on the Alaska Peninsula. The last two are tributary to harbors that are free from ice throughout the year.

Drilling has not been sufficient in the partly developed field at Katalla to determine the presence of any considerable pools. The rather wide distribution of seepage and the results of the drilling of some 25 holes indicate that oil might be obtained in this field in a larger quantity than that now yielded by the five or six wells that are being pumped. The petroleum from this field, like that from other Alaska fields, is a high-grade refining oil with a paraffin base. As oil of this grade is in great demand for the manufacture of gasoline, and as the supply under war conditions may not meet the needs, every encouragement should be given to those who are willing to spend the money necessary for the drilling. Unless a large pool is struck early in operations, which is not believed probable, it will take at least a year to drill a sufficient number of holes to assure any considerable production. This statement is based on the records of the existing wells. The producing wells are shallow and the oil has to be pumped. To meet the present emergency it will probably be best to drill a large number of shallow wells rather than to attempt to test the ultimate possibilities of the field by sinking deep holes. The above statement of conditions and possibilities in the Katalla field probably holds, in general, for the Iniskin and Cold Bay fields. In these fields, however, there has been very little drilling and no production. The geologic structure of these fields, so far as known, is simpler than that of the Katalla field, and it is therefore easier to direct operators to the most probable locations of possible pools.

The Alaska oil lands were withdrawn from entry in 1910. A small area of oil land has been patented in the Katalla field, and other claims are still pending. If the Alaska oil fields are to be regarded as a possible source for refining oil during the present emergency, immediate action should be taken by which operators can obtain freehold or leasehold titles to sufficient areas to justify the large expenditures necessary for drilling.

The history of Alaskan oil development began with some prospecting in 1898, and the first wells were drilled in 1902-3. From that time until 1910 a large sum, in the aggregate, perhaps, upward of a million dollars, was spent in oil development. Most of the money was necessarily spent in preliminary work, such as docks, houses, roads, sawmills, and so forth. A number of wells were drilled by different companies, but unfortunately no large pools were found. Of course, there were some wells which were dry. All that time there was no local market, or practically none. To operate successfully without a local market oil must be produced in sufficient quantity to ship in cargo lots of 5,000 to 10,000 barrels. The wells in which oil was found only produce 5 to 10 barrels a day, and this was too small to make up a cargo. As a result the companies got into financial difficulties.

Then in 1910, without any notice or warning, came the following order of withdrawal:

WITHDRAWAL ORDER OF NOVEMBER 3, 1910.
(Petroleum reserve No. 12—Alaska No. 1.)

NOVEMBER 3, 1910.

It is hereby ordered that all the public lands and lands in national forests in the District of Alaska containing petroleum deposits be, and the same are hereby, withdrawn from settlement, location, sale, or entry, and reserved for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States.

WILLIAM H. TAFT, *President.*

Referred to the Commissioner of the General Land Office for appropriate action.

R. A. BALLINGER, *Secretary.*

There was no opportunity for debate or discussion or chance to be heard as to the justice or wisdom of the policy of withdrawal. Moreover, while withdrawals generally related to specific areas, which were described in the order, the Alaska withdrawal was much more sweeping. In fact it withdrew all the oil lands of the territory, known and unknown. It simply abrogated the law on the subject as completely as if it had been repealed by act of Congress.

To be sure the withdrawal order purported to reserve the rights of those who had valid and existing claims, but what was a valid and existing claim was so strictly construed that few, if any, of the claimants could be sure of their title. Only one claim, comprising 140 acres, in the whole territory had been patented. Perhaps a hundred or more had been located, but after the withdrawal order most of them were abandoned or allowed to lapse. A few men who had spent large sums of money and owned buildings and much valuable property and equipment held on, hoping year after year that the question of title would be cleared up and that they would then be able to find fresh capital and renew their development work. Most of the original owners have long since dropped out. Many of them are dead, and most of them were bankrupted by their efforts to develop this new country. The natural difficulties have been great, but the legal difficulties have been far greater.

Thus nearly 20 years of effort to develop the Alaska oil fields has come to almost nothing, for there are only five or six wells in operation, producing 25 or 30 barrels of oil per day. It is significant that every producing well is upon the one patented claim. During these 20 years the Alaska market has been growing. The industries, such as fishing and mining, must have fuel, and as practically no oil or coal could be gotten from its own land Alaska has been obliged to import practically all the oil and coal it used.

This withdrawal order put an end to all oil development within the 600,000 square miles of land comprising the Territory of Alaska, and for eight long years the people of Alaska have been patiently waiting for legislation that would give them an opportunity to use the fuel at their doors instead of importing their requirements from points thousands of miles distant.

The fuel resources of Alaska were locked up in the name of conservation, and the people of the United States were led to believe that the resources of Alaska must be reserved for future requirements. No theory was ever more fallacious or harmful. It is not conservation to haul coal from the Atlantic coast to the Pacific coast, and consumes a third of it in the haul, when all the needs can be met by opening the deposits on the Pacific coast. It is not conservation to haul oil from California to Alaska when a local supply can be developed in Alaska. Such a policy is the very antithesis of conservation; it is shameful waste. Fuel must be used to keep the wheels of commerce revolving, and it matters not where it may come from, the general supplies are reduced that much, but the nearer the fuel can be produced to the point where it is to be consumed the less waste there will be in needless transportation.

Some good people are periodically worried by a fear that the resources of the country will become exhausted, and that the Nation thereby will come to grief. This has been true from the beginning. Some good people were greatly worried about the exhaustion of oil when the world was entirely dependent for its artificial light upon the oil derived from the sperm whale. The sperm whale still exists, but we have long since passed to a better lighting system. Human enterprise and inventive genius have not yet ceased to exist in the world, and new discoveries will be made in the future as in the past. There is no danger of the exhaustion of the oil supplies in this country, and in this connection I wish to read some extracts from an article in the National Geographic Magazine for the month of February, 1918, by Guy Elliott Mitchell, of the United States Geological Survey, in regard to the future prospects in oil production. On page 197 Mr. Mitchell says:

The total production of petroleum in the United States up to 1918 has been 4,255,000,000 barrels, and the possible future production, or the total reserve in the ground—and some of it lies very deep—is estimated by the Federal Government at about 7,000,000,000 barrels.

How does this petroleum compare with the known oil-shale reserve? The quantity of oil that can be extracted from the shale is so huge that the petroleum reserve becomes almost insignificant by comparison. As a result of only a partial investigation it is estimated that the oil in the shale ranges of Colorado alone amount to 20,000,000,000 barrels. There are our mountains—indeed, ranges of mountains—which for many miles carry thick beds of rock that yield 30 to 50 barrels of oil to the ton.

More recently the State geologist of Colorado has reported that in northwestern Colorado beds of commercially workable rock that average more than 20 feet in thickness and that will yield at least 36 gallons of oil to the ton are found in an area extending over 1,500 square miles. These figures show a content of 24,000,000 barrels of oil to the square mile, or a total of 36,000,000,000 barrels for the area. Either 20,000,000,000 or 36,000,000,000 is sufficiently impressive.

The potential value of this immense oil resource of America is almost beyond comprehension. Enough oil is held in these natural reservoirs to fill many times over every tank, cask, barrel, can, and other container of every kind in the world.

The discovery of these vast deposits of oil-bearing rock in the United States, the petroleum contents of which can be estimated in nothing less than hundreds of billions of barrels, is one more evidence of the abounding wealth of the North American Continent. No sooner does one of our resources show limitations in production and the pessimists begin to cry, "What shall we do when our reserve is gone?" than immense additional deposits of satisfactory substitutes are discovered.

During the last few years petroleum, with its most valuable constituent—gasoline—has become one of our most vital resources, so that even the most cheerful optimists might well begin to question the immediate future prospect of the industry; but with thousands of square miles of rock lying above ground, within sight of trunk-line railroads and constituting an unfailing oil reservoir, we can feel assured of a supply of gasoline for many generations to come.

The United States is indeed a country blessed by a generous Providence. Germany, to supplement its stock of petroleum and gasoline, laboriously raises potatoes, from which to distill fuel alcohol; but here in America there are mountains of oil rock which can be blasted and steam shoveled and transported by gravity to great retorts which will turn out oil and fertilizer in limitless quantities.

The production of oil in this country, instead of decreasing, will continue to grow; it will even, because of the shale resource, greatly increase its present immense output of 340,000,000 barrels a year and will keep pace with the enormously increasing demand. No one may be bold enough to foretell what tremendous figure of production may be reached within the next 10 years.

The need for gasoline and distillate in Alaska is immediate and very urgent, and this emergency can probably best be met by the owners of some 60 claims that were located prior to the withdrawal of 1910. With assurance that their investments are reasonably protected, they are prepared to make the expenditures necessary to obtain an immediate supply of oil. These claimants are entitled to consideration; they have been the pioneers and trail blazers in a new field, and their risks and difficulties have been great. These claimants have in good faith held their claims for years and complied with the law. They have been awaiting legislation that would define their status and enable them to proceed. There are no contests in Alaska, and all concerned are agreed that speedy development of the Alaskan oil fields should be encouraged by liberal treatment.

Mr. Chairman, Alaskans have been groping in a twilight zone of uncertainty for years in regard to the development of the resources of the Territory in so far as the attitude of the Government was concerned.

The progress that should have been made has not been made. The population has decreased rather than increased, and the trouble lies in too severe requirements imposed upon the settlement and development of the public domain. This bill provides a step in the right direction, and I hope it will speedily become law and be followed by other liberal laws that will draw people and capital to Alaska to settle and develop this vast area, so that it may be not only a stupendous wilderness of magnificent scenery, but also a land filled with farms and mills, happy homes, and thriving cities. Only by such development can Alaska be the great asset to America that she should be and that Alaskans of all people are most anxious to make her become. While Alaskans have struggled with many uncertainties and numerous changes in governmental policy in the treatment of the public domain in the North, there has been no twilight zone of patriotism in Alaska. No people anywhere under our flag stand more squarely behind President Wilson in the vigorous prosecution of the war for the defense of American honor and integrity and the safety of democratic government against the ruthless iron heel of military despotism. No Americans anywhere are more loyal and patriotic or more enthusiastically and whole-heartedly determined to make any sacrifice to win the war. Alaskans will be found well represented in every branch of the Army and Navy, and before the draft law went into effect in Alaska the Territory had sent many more volunteers than her quota under the draft. There can be no better soldiers than the men of Alaska, who love adventure and become accustomed to facing dangers and hardships in their everyday life.

Alaskans have assisted in every possible way in all the war activities of the Government. No State in the Union has contributed more liberally, per capita, to the Red Cross, the liberty loans, the war-savings stamp, and other patriotic war organizations than has Alaska. From Ketchikan to Nome, Alaska communities were ready to subscribe their full liberty-loan quotas on the first day of the campaign, and they kept adding to those subscriptions daily until the last day, when it was found that most of them had gone over the top several times. An indication of the spirit with which Alaskans are trying to do more than their share to down the enemy is shown by the following telegram:

FAIRBANKS, ALASKA, *May 7, 1918.*

CHARLES A. SULZER,
Delegate from Alaska, Washington, D. C.:

Fairbanks and vicinity subscribed to third liberty loan $425,000, being over five times quota. This does not include $25,000 subscribed by Nenana. Boy Scouts helped to extent of over $69,000, also going over top five times.

FAIRBANKS COMMERCIAL CLUB.

Over 80 per cent of Alaskans are members of the Red Cross, and the noble women and children of the North, as well as the men, are doing their full share of the splendid service toward winning the war.

Now, Mr. Chairman, a Territory so remote and so sparsely settled that has gone to such limits in contributing to the Nation in this hour of need, a Territory that has given so freely of its men, money, labor, metals, and food, is well worthy of consideration. All this bill does is to give Alaskans a chance to obtain a local supply of oil under fair and reasonable conditions. This is not asking too much and should be granted without question. Alaska occupies a most important position in the Pacific and is destined to play an important part in world affairs of the future. Its value can be made very great and a source of great strength to the Nation. At the present time, Alaska's vast extent and limited population are sources of weakness. We must be permitted to grow and develop with more freedom and fewer restrictions. We must be permitted to use our resources more freely and thus create a greater and ever greater volume of trade with the States. Alaska's value to the Nation consists in the raw materials she can produce and send through the numerous industrial and commercial arteries of our national life and of the manufactured and finished articles she can purchase from the several States.

The trade of Alaska, per capita, is the greatest in the world, and, given the use of local fuel, more liberal governmental regulations, and broader powers of self-government, Alaska will be an unfailing source of wealth and strength to the Republic. [Applause.]

Mr. RAKER. Mr. Chairman, let the Clerk read the first paragraph of the bill, and then I will move to rise.

The CHAIRMAN. We are now considering the Senate bill.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to consider the substitute in lieu of Senate bill 2812, so that the first section, to all intents and purposes, will be the language in italics on page 28, beginning with line 7.

Mr. RAKER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. RAKER. Consider the House amendment as though it were an original bill?

Mr. FERRIS. That is the request I make.

The CHAIRMAN. The gentleman asks unanimous consent that the House bill be substituted for the Senate bill 2812. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That deposits of coal, phosphate, oil or gas, owned by the United States, including those in national forests, the Grand Canyon National Monument, and the Mount Olympus National Monument, but excluding those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter

provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, or gas, to municipalities.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise, leaving the paragraph open for any amendment that may be offered to-morrow.

The motion to rise was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DEWALT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Friday, May 24, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriations required by the Engineer Department of the Army for the fiscal year 1919 (H. Doc. No. 1124); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting additional estimates of appropriations required by the Engineer Department of the Army for the fiscal years 1918 and 1919 (H. Doc. No. 1125); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Little Tennessee River, Tenn. (H. Doc. No. 1126); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SEARS, from the Committee on Education, to which was referred the bill (H. R. 12212) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 597), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3797. An act validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands; and

S. 3923. An act authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRISP: A bill (H. R. 12246) to subject Federal, State, and municipal officers to income and war excess-profits tax; to the Committee on Ways and Means.

By Mr. NORTON: A bill (H. R. 12247) to provide for incorporating the Supreme Lodge of Knights of Modern Syria; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 12248) granting an increase of pension to William B. Talbott; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 12249) for the relief of Jacob B. Moore; to the Committee on Indian Affairs.

By Mr. DAVIS: A bill (H. R. 12250) to reimburse Horace A. Chouinard, chaplain in the Twenty-third Infantry, for loss of certain personal property; to the Committee on Claims.

By Mr. LOBECK: A bill (H. R. 12251) granting a pension to Katherine McArthur; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 12252) granting a pension to Elizabeth J. Montague; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 12253) granting an increase of pension to J. Wesley Barr; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 12254) granting an increase of pension to John B. Hays; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 12255) granting an increase of pension to John D. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12256) granting an increase of pension to Jabez B. Jennings; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 12257) granting a pension to Hannah R. Grant; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Billy Sunday Tabernacle workers and of the New Jersey conference, Epworth League, protesting against the action of the Commissioners of the District of Columbia in allowing Sunday baseball; also, a memorial of the Presbyterian Ministers' Association of Washington City and vicinity, making a similar protest, and asking for the passage of a Sunday rest-day bill; to the Committee on the District of Columbia.

Also, memorial of H. L. Post No. 750, Grand Army of the Republic, Department of Ohio, urging the passage of the Smoot pension bill for the relief of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of the Allied Printing Trades Council of Milwaukee, Wis., asking for the repeal of the zone-system features of the war-revenue act; to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of residents of Fontana and Walworth, Wis., asking for the repeal of the zone system for carrying second-class mail; to the Committee on Ways and Means.

By Mr. DEWALT: Resolutions of the Lehigh Valley Motor Club, of Allentown, Pa., Mr. H. I. Koch, secretary, urging the adoption of a program that will assure adequate highway construction and maintenance; also, the creation of a centralized Federal authority to determine the highway policy of our Government, with power to direct the administration of that policy; to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the International Union of the United Brewery Workmen, Local Union No. 264, Allentown, Pa., protesting against the second-class postage provisions of the war-revenue bill; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Memorial of the Chamber of Commerce of the United States of America, for universal military training; to the Committee on Military Affairs.

Also, petition of sundry citizens of Minooka, Ill., for the repeal of the zone system for second-class mail; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of the West Roxbury (Mass.) Woman's Club and of the Young Men Christian Association Forum, Lynn, Mass., protesting against the zone system and the increased rates of postage for periodicals; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: Petition of the Women's Missionary Society of Crafton, Pa., requesting immediate prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Resolution of the Connecticut State Council of Defense, in favor of raising the draft age to 45 years; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Resolution of the Common Council of Philadelphia, Pa., opposing the use of the German language; to the Committee on the Judiciary.

By Mr. OSBORNE: Memorial of the California Loyal League, Los Angeles, Cal., urging Congress to take such action as may be necessary to prevent any and all persons disloyal to our country from operating any restaurant, cafeteria, lunch counter, or boarding house that is open to the public, or any but loyal help be allowed to be employed as proprietor, manager, cook, or waiter; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the officials of the Methodist Episcopal Church in Trumansburg, N. Y., in favor of national

war prohibition; also of Sarah M. Witten, Berkshire, N. Y., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. RAMSEYER: Petition of members of the Willard Street Methodist Episcopal Church, Ottumwa, Iowa, protesting against polygamy; to the Committee on the Judiciary.

By Mr. STEELE: Petition of residents of Easton, Pa., for the amendment of the Constitution to prevent polygamy in the United States; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of headquarters, R. A. Pierce Post, No. 190, Grand Army of the Republic, New Bedford, Mass., indorsing Smoot bill, so called; to the Committee on Invalid Pensions.

Also, petition of the president of the Holyoke Belting Co., Holyoke, Mass., indorsing increased postal rates for publishers, effective July 1, 1918, and condemning postponement of the increase; to the Committee on Ways and Means.

Also, petition of Henry I. Harriman, president of the Chamber of Commerce, Boston, Mass., advocating the retention of the pneumatic-tube service by the conferees on the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, telegrams from Ed Flash, jr., vice president of the New York Produce Exchange, and from Alfred E. Marling, president of the Chamber of Commerce of the State of New York, indorsing the amendment to the Post Office appropriation bill by Senator Calder providing for new rates on first-class mail in New York City; to the Committee on the Post Office and Post Roads.

By Mr. WOODYARD: Petition of Local Union No. 350, Journeyman Tailors' Union of America, of Parkersburg, W. Va., favoring the enactment of the Smith-Sears rehabilitation bill; to the Committee on Education.

Also, petition of No. 249, Huntington Lodge, International Brotherhood of Boiler Makers, Iron-Ship Builders, and Helpers of America, asking for the repeal of the recently enacted zone postal law; to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 24, 1918.*

(Legislative day of Thursday, May 23, 1918.)

The Senate met at 12 o'clock noon.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

Mr. FRELINGHUYSEN. I wish to report the necessary absence of the members of the Committee on Military Affairs, which committee is in session.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Henderson	Nelson	Sterling
Brandegee	Hitchcock	New	Sutherland
Culberson	Johnson, Cal.	Norris	Swanson
Cummins	Johnson, S. Dak.	Nugent	Thomas
Curtis	Jones, Wash.	Overman	Thompson
Dillingham	Kellogg	Page	Tillman
Fernald	Kendrick	Pomerene	Townsend
Fletcher	Kenyon	Ransdell	Trammell
Frelinghuysen	King	Saulsbury	Underwood
Gallinger	Kirby	Shafroth	Vardaman
Gerry	Lenroot	Sheppard	Wadsworth
Gronna	McKellar	Sherman	Warren
Guion	McLean	Shields	Watson
Hale	McNary	Simmons	Weeks
Harding	Martin	Smith, Mich.	Willey

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is necessarily absent on account of illness.

Mr. WARREN. The Committee on Military Affairs are in session and Senators NEW, JOHNSON of California, WEEKS, REED, CHAMBERLAIN, and THOMAS ask that they may be recorded as present. They are on public service.

Mr. KIRBY. I wish to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON], is absent on official business. I desire also to announce that the senior Senator from Kentucky [Mr. JAMES] is detained on account of illness.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10830) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGLEY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had passed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 4910. An act to authorize the establishment of a town site on the Fort Hall Indian Reservation, Idaho;

H. R. 5489. An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.; and

H. R. 9715. An act extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas.

PETITIONS.

Mr. TOWNSEND presented a petition of Bend of the River Grange, Patrons of Husbandry, of Niles, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Kalamazoo, Mich., praying for national prohibition as a war measure, which was ordered to lie on the table.

ESTATE OF RUDOLPH H. VON EZDORF, DECEASED.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (S. 2474) for the relief of the widow of Rudolph H. von Ezdorf, deceased, reported it with an amendment and submitted a report (No. 465) thereon.